

ORDINANCE NO. 2800

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 1.08 OF THE SALISBURY CITY CODE, ENTITLED “ELECTION BOARD,” AND CHAPTER 1.12, ENTITLED “CITY CAMPAIGN ADVERTISING AND FINANCE,” TO ADOPT RECOMMENDATIONS MADE BY THE CITY OF SALISBURY ELECTION BOARD.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”); and

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202, as amended, to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City; and

WHEREAS, the Mayor and Council may amend the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter; and

WHEREAS, the Mayor and Council find that amendments to Chapter 1.08 and Chapter 1.12 of the Salisbury City Code are desirable to update and clarify the Code with respect to the City of Salisbury Election Board and provisions governing City campaign advertising and finance; and

WHEREAS, Maryland state law requires each local board of elections to refer to absentee ballots as "mail-in ballots" and absentee voting as "mail-in voting"; and

WHEREAS, on January 6, 2023, the City of Salisbury Election Board convened in public session to review potential amendments to Chapter 1.08 and Chapter 1.12 of the Salisbury City Code to offer advice and recommendations the with respect to such amendments to the Mayor and Council; and

WHEREAS, on April 17, 2023, the Mayor and Council convened in public session to review potential amendments to Chapter 1.08 and Chapter 1.12 of the Salisbury City Code resulting from the advice and recommendations of the City of Salisbury Election Board; and

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 1.08 and Chapter 1.12 of the Salisbury City Code set forth below shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 1.08 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Chapter 1.08 of the Salisbury City Code of the Salisbury City Code, entitled “ELECTION BOARD” is amended as follows:

Chapter 1.08 ~~ELECTION BOARD~~ **CITY OF SALISBURY ELECTION BOARD**

1.08.010 Definitions.

As used in this chapter, the following terms shall have the meaning as indicated:

"City board" **or "city board"** means the ~~city election board~~ **City of Salisbury Election Board** provided for in Section SC6-2 of the Charter.

"County board" means the Wicomico County board of elections.

1.08.020 Duties of the city ~~election~~ board.

The city board shall generally supervise the conduct of the system of appointment and registration, nomination by petition, ~~and~~ general and special elections, **and other petitions** 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~~ **mail-in** ballots;
- C. Hear contests concerning voting and the validity of any ballot; **and**
- D. Ensure compliance with campaign advertising and finance as described in Chapter 1.12 of the Code.**

1.08.030 Transfer of certain city board functions and duties to the Wicomico County board of elections.

The following duties, powers and functions assigned by the Charter and code to the city ~~election~~ board shall **may** be delegated to the ~~Wicomico County board of elections~~ **County board**:

- A. Salisbury Municipal Code Section 1.08.090, Furnishing of certified list of voters;
- B. Salisbury Municipal Code Section 1.08.100, Hiring of clerical assistance;
- C. Salisbury Municipal Code Sections 1.08.190 through 1.08.270, inclusive, ~~Absentee~~ **Mail-in** ballots, except where specifically designated as duties of city board;
- D. Salisbury Municipal Code Sections 1.08.060 through 1.08.090, and 1.08.150 through 1.08.180, inclusive, Registration and inspection sections.
- E. Such other functions of the city board as are necessary for the conduct of elections.

1.08.040 Payment to county board members and election personnel for election-related services.

The city treasurer is authorized to pay to the county board staff such sums for the performance of certain duties involved in the conduct and supervision of city elections as may be mutually agreed upon between the city **board** and county board.

1.08.050 Delivery and recording of oaths of office by city clerk.

The clerk of the circuit court shall administer an oath of office to the members of the city board and the oath of office shall be recorded by the city clerk among the minutes of the city council.

1.08.060 System of permanent registration established.

There shall be a registration of the voters of Salisbury on a daily basis, Monday through Friday inclusive, during normal business hours, exclusive of state and national holidays. No person shall be allowed to vote at any municipal election unless he or she shall be registered.

1.08.070 Removal or omission from active registration files.

Any person who shall believe that his or her name has been erroneously removed or omitted from the active registration files of the city shall make complaint to the city board. The city board shall investigate the complaint, and, if found to be justified, appropriate action shall be taken to correct the error. The decision of the city board shall be final, but if adverse to the complainant, the latter shall have the right to appeal to the circuit court of Wicomico County within ten days after the date of such determination.

1.08.080 Public inspection of registration records.

The registration records shall be open to public inspection under reasonable regulations of the county board.

1.08.090 Furnishing of certified list of voters.

The county board shall furnish to anyone making written application therefor, within ten days after such application has been received, the names, addresses, and political affiliation of all persons registered in any election precinct of the city, in accordance with the fee structure established by the county board.

1.08.100 Hiring of clerical assistance.

The county board with the consent of the city council, may hire such clerical assistance as it may require in the performance of the duties assigned to it by this chapter.

1.08.110 Additional registrations by same voter prohibited.

No person being a registered voter of the city shall knowingly and corruptly register or attempt to register a second or additional time as a voter of the city.

1.08.120 False answers to material questions prohibited.

No person shall knowingly make a false answer to any material question required to be answered for the purpose of registration.

1.08.130 Falsification or removal of records.

No person shall knowingly and corruptly falsify or remove any registration record of the city.

1.08.140 Aiding or abetting in commission of prohibited acts prohibited.

No person shall procure, aid or abet any person in the commission of an act prohibited in this chapter.

1.08.150 Office hours established for registration.

The county board shall keep its office ~~in the county court house~~ opened for registration of city voters during regular business hours of eight a.m. to four-thirty p.m. on all regular business days, except such days, if any, immediately preceding the holding of state, county or city elections as may be designated by the county board or the city board for its purposes in examining and verifying the registry books and delivering same to the precincts for use during such elections.

1.08.160 Access to city records.

The county board shall give the city board access to the city records at any and all reasonable times as may be requested by the city board for its purposes.

1.08.170 Registration by mail.

A voter registration by mail program shall be established and administered by the county board. Such registration shall be conducted in accordance with the current Maryland State law and regulations governing county registration by mail.

1.08.180 Registration for county election automatically registers for city election.

The county board is authorized to automatically register any and all eligible voters of the city who register with the Wicomico County board for eligibility to vote in county elections.

1.08.190 ~~Absentee~~ **Mail-in** ballot—Who may vote.

- A. Any registered voter who is an employee of the county board, including any judge appointed under this chapter who, as a condition of his employment on any election day, is required to be absent from the precinct in which he is registered to vote and who chooses to vote shall cast his vote by ~~an absentee~~ **a mail-in** ballot provided by the county board.
- B. A registered voter may vote by ~~absentee~~ **mail-in** ballot under this section if the voter is unable ~~for sufficient reason~~ to be present and personally vote at the polls on election day.

1.08.200 Late ~~absentee~~ **mail-in** ballots—Voter assistance.

- A. Application for Ballot.
 - 1. After the Tuesday preceding an election and on the day of the election prior to the time the polls close, any person registered and otherwise qualified to vote may apply, in person or through a duly authorized agent, as authorized in subsection (A)(4) of this section, who appears in person,

at the office of the county board for a late emergency ~~absentee~~ **mail-in** ballot if the voter is within the provisions of Section 1.08.190.

2. The application shall be made under penalty of perjury but without formal oath. The late ~~absentee~~ **mail-in** ballot shall contain an affidavit, which need not be under oath but which shall set forth such information, under penalty of perjury, as may be required by the county board.
 3. Upon receipt of the application, the county board, if satisfied that the person cannot, in fact, be present at the polling place on the day of the election, shall issue to the applicant, or his duly authorized agent, ~~an absentee~~ **a mail-in** ballot which shall be marked by the voter, placed in a sealed ballot envelope, and returned to the county board in the envelope provided for that purpose.
 4. If the applicant does not apply in person, the applicant shall designate a voter registered in the city as agent for the purpose of delivering the ~~absentee~~ **mail-in** ballot to the vote, and the agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, was marked by the voter in the agent's presence, was placed in a sealed envelope in the agent's presence and returned, under seal, to the county board by the agent.
 5. Any late ~~absentee~~ **mail-in** ballot received by the county board shall be considered timely if received in accordance with Section 1.08.280(C).
- B. Assistance in Marking Ballot, Etc. Any registered voter who requires assistance to vote by reason of blindness, disability or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union. Any person rendering assistance pursuant to this subsection shall execute a certificate to be included in the instructions prescribed by Section 1.08.260.

1.08.210 Elections in which ~~absentee~~ **mail-in** voters may vote.

This chapter applies to all special, ~~primary~~ and general elections held in any year in the city.

1.08.220 Application for ~~absentee~~ **mail-in** ballots.

Except as provided in Section 1.08.190, a qualified voter desiring to vote at any election as ~~an absentee~~ **a mail-in** voter shall make application in writing to the county board for ~~an absentee~~ **a mail-in** ballot, which application must be received not later than the Tuesday preceding the election. The application shall contain an affidavit, which need not be under oath but which shall set forth such information, under penalty of perjury, as may be required by the county board.

1.08.230 Application forms.

Printed forms of application for ~~absentee~~ **mail-in** ballots in accordance with the requirements of this section shall be provided by the county board and shall be available to any qualified voter upon request.

1.08.240 Determination of ~~absentee~~ **mail-in** voters' applications—Delivery of ballots.

- A. Rejection of Application. Upon receipt of an application containing the affidavit, the county board shall reject the application upon the decision of the election director and, when rejected, shall notify

the applicant of the reason therefor if it is determined upon inquiry that the applicant is not legally qualified to vote at the election as ~~an absentee~~ **a mail-in** voter.

- B. Delivery of Ballot. If the applicant is a qualified voter as stated in his affidavit, the county board shall, as soon as practicable thereafter, deliver to him, or his duly authorized agent, at the office of the county board, or mail to him at an address designated by him, ~~an absentee~~ **a mail-in** voter's ballot and an envelope therefor. If the applicant is one with respect to whom free postage privileges are provided for by the federal Uniformed and Overseas Citizens Absentee Voting Act, or any other federal law, rule or regulation, the county board shall take full advantage of these privileges; in all other instances, postage for transmitting ballot material to voters shall be paid by the county board and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, the determinations required in subsection A of this section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All investigations shall be concluded and any determinations made as to all ~~absentee~~ **mail-in** ballot applications not later than five days before election day.
- C. Record of Applications Received and Ballots Delivered.
1. The county board shall keep applications for ~~absentee~~ **mail-in** voters' ballots as they are received, showing the date and time received, the names and residences of the applicants and such record shall be available for examination by any registered voter on written application to the county board.
 2. After approval of an application for ~~an absentee~~ **a mail-in** ballot and the mailing to the applicant of an ~~absentee~~ **a mail-in** ballot, then, unless an electronically reproduced precinct register is used, the voter's authority card in the precinct binder shall be removed and retained in the office of the county board. A marker shall be placed in the regular precinct binder with the voter's name and recording the fact that ~~an absentee~~ **a mail-in** ballot has been mailed. If an electronically reproduced precinct register is used, a distinctive line shall be drawn through the voter's name on the list in red. No such voter shall vote or be allowed to vote in person at any polling place.
- D. One Ballot to an Applicant. Not more than one ~~absentee~~ **mail-in** ballot shall be mailed to any one applicant unless the county board has reasonable grounds to believe that the ~~absentee~~ **mail-in** ballot previously mailed has been lost, destroyed or spoiled.

1.08.250 Ballots for ~~absentee~~ **mail-in** voters.

- A. Printing of Ballots, Envelopes and Instructions. In sufficient time prior to any election, the county board shall have printed an adequate number of ~~absentee~~ **mail-in** ballots, the three kinds of envelopes described in this section and the instructions to ~~absentee~~ voters as set out in Section 1.08.260.
1. ~~Absentee~~ **Mail-in** ballots in the discretion of the county board may be in the form either of paper ballots kept together in a covering folder, provided that all ~~absentee~~ **mail-in** ballots shall be in the same form.
- B. Form of Ballots. All ballots shall contain the words "~~Absentee~~ **Mail-in** Ballot" or "Official Ballot", shall be printed in large letters in clear space at the top of each ballot and on any covering folder instructions to the voters shall be printed as follows:
1. If paper ballots are used, instructions shall be printed on the ballot for completing the ~~absentee~~ **mail-in** ballot in accordance with the current voting system in use.

- C. Envelopes. The county board shall prescribe the size, form and printed content of the ~~absentee~~ **mail-in** ballot material envelopes, providing for a "covering envelope," a "ballot envelope" and a "return envelope."

1.08.260 Instructions to voters.

The printed instructions for the casting of ~~absentee~~ **mail-in** ballots shall be prescribed by the county board and it shall prescribe separate instructions for paper ballots.

1.08.270 Provisional ballots.

The city board shall authorize the county board to administer provisional voting and canvass the provisional ballots pursuant to state law and regulations provided the provisional voting does not conflict with City Election Code.

1.08.280 Canvassing of ballots.

- A. Opening or Unfolding Ballots. The county board shall not open or unfold any ~~absentee~~ **mail-in** ballot at time prior to the closing of the polls.
- B. Duties of County Board.
1. Subject to the provisions of subsection (B)(2) of this section, at any time after four p.m. on the Wednesday following election day and not later than the canvass of the votes cast at the regular voting places in the city at any election, the county board shall meet at the usual offices of the county board and shall proceed to count, certify and canvass the ~~absentee~~ **mail-in** ballots contained in the ballot envelopes. Each board of canvassers shall keep the ballots safe from tampering until the canvass is completed. The county board shall take all appropriate and feasible steps to protect the privacy of all ~~absentee~~ **mail-in** ballots.
 2. The canvass may not be completed until all ~~absentee~~ **mail-in** ballots that have been received timely have been counted.
- C. Timely Receipt and Ballot.
1. Except as provided in subsection D of this section, a ballot shall be considered as received timely, provided:
 - a. It has been received by the county board prior to closing of the polls on election day; or
 - b. It was mailed on or before election day; or
 - c. The United States Postal Service, an army post office, a fleet post office, or the postal service of any other county, has provided verification of that fact by affixing a mark so indicating on the covering envelope; and
 - d. The county board receives the ballot from the United States Postal Service not later than four p.m. on the second Friday following election day.
 2. Except as provided in subsection D of this section, any ballot received after the deadline established in this subsection may not be counted.
- D. Ballots Received from Locations Outside United States.

1. In a primary, general or special election, a ballot received from a location outside the United States shall be considered as received timely provided:
 - a. It has been received by the county board from the United States Postal Service not later than four p.m. on the second Friday following the election day; and
 - b. It was mailed before election day; and
 - The United States Postal Service, an army post office, a fleet post office, or the postal service of any other country, has provided verification to that fact by affixing a mark so indicating on the covering envelope.
2. Any ballot received by mail after the deadline established in this subsection may not be counted.
3. The commencement of the counting and canvassing process may not be delayed to await receipt of ballots under this subsection.
4. For the purposes of this subsection, "United States" includes several states, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands but does not include American Samoa, Guam, the Trust Territory of the Pacific Islands, any other territory or possession of the United States, an army post office address or a fleet post office address.
- E. Voter's Affidavit. For the purposes of subsections C and D of this section, a voter's affidavit that the ballot was completed and mailed before election day shall suffice if the postal service of the country from which the ballot was mailed does not provide a postmark on that ballot.
- F. Procedure Generally.
 1. A ballot may not be rejected by the city board except by the unanimous vote of the entire city board.
 2. If the intent of the voter is not clearly demonstrated, only the vote for that office or question shall be rejected.
 3. If the board of canvassers determines a ballot is intentionally marked with an identifying mark the entire ballot shall not be counted.
 4. Any ballot received by mail after the deadlines established in subsections C and D of this section may not be counted.
 5. ~~Absentee~~ **Mail-in** ballots may not be separately disclosed or reported by precinct.
 6. All voters' applications, affidavits, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained after the date of election at which they were cast for the time required by federal law, unless prior to that time, the county board is ordered by a court of competent jurisdiction, to keep the same for any longer period.
 7. The county board may appoint such numbers of temporary judges as it may deem necessary to adequately and promptly carry out the provisions of this section.
- G. Ballot Voted for Person Who Has Ceased to Be a Candidate. Any ~~absentee~~ **mail-in** ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate but such vote shall not invalidate the remainder of such ballot.
- H. Ballot Delivered to Wrong Board. If ~~an absentee~~ **a mail-in** ballot envelope is delivered to the wrong board, such board shall immediately send said ballot envelope unopened, unmarked and unchanged in any way to the proper board or to the city clerk.

- I. Voter Dying Before Election Day. Whenever the county board determines from proof or investigation that any person who has marked and transmitted or deposited in person with the board ~~an absentee a~~ **mail-in** ballot, under the provisions of this chapter, has died before election day, the county board shall not count the ballot of the deceased voter.
- J. Place Ballot in Ballot Box and Entry in Registry—More than One Ballot in Envelope—Marking Ballots.
 - 1. If the county 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 in any city election and has not already voted therein on election day, it shall open the ballot envelope and remove the ballot therefrom and the ballot shall be placed by the county board in a secure place to which the public has no access.
 - 2. If there be more than one ballot in the ballot envelope, all shall be rejected except when two elections are held on the same day and a voter is voting in both elections and the voter returns both ~~absentee~~ **mail-in** ballots in the ballot envelope provided.
 - 3. ~~Absentee~~ **Mail-in** ballots may be marked by the pencil taped on the ~~absentee~~ **mail-in** ballot.
- K. More than One Ballot Received from Same Person. If the county board receives from the same person prior to the deadline for receipt of ~~absentee~~ **mail-in** ballots more than one ~~absentee~~ **mail-in** ballot, it shall count, certify and canvass only the ~~absentee~~ **mail-in** ballot contained in the ballot envelope on which the voter's oath was first executed and if the oath on two or more of the ballot envelopes containing ~~absentee~~ **mail-in** ballots are dated the same, or if both are undated, none of the ballots received from such person shall be counted.

1.08.290 Contests and appeals.

- A. Decision by City Board. Appeals concerning voting or the validity of any ballot under this chapter shall be decided by the city board.
- B. Unanimous Vote by City Board. No ballot shall be rejected except by the unanimous vote of the city board.
- C. Right to Appeal. Any candidate or ~~absentee~~ **mail-in** voter aggrieved by any decision or action of the city board shall have the right of appeal to the circuit court for Wicomico County to review such decision or action.
- D. Procedure for Appeal. Such appeals shall be taken by way of petition filed with the appropriate court within five days from the date of the completion of the official canvass by the county board of all the votes cast at the election and shall be heard de novo and without a jury by said court as soon as possible.
- E. Appeal to Court of Special Appeals. There shall be further right to appeal to the court of special appeals, provided such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the court of special appeals, as soon as possible after the same having been transmitted to that court.
- F. Transmission of Record to Court of Special Appeals. The original papers, including the testimony, shall be transmitted to the court of special appeals within five days from the taking of the appeal.

1.08.300 Election districts and precincts established.

The city shall have one councilmanic district per councilmember, and there shall be one precinct ~~corresponding to each councilmanic~~ **assigned to each city council** district. Voting records shall be kept pursuant to divisional lines as established by the county board.

1.08.310 Map of election districts.

A map of the city, prepared by the ~~engineering~~ **information services** department of the city, which is on file ~~in the office of the city clerk~~ **on the Geographic Information System portal ("G.I.S.")**, is adopted and made a part of this chapter for the purpose of more clearly defining the boundaries of the election precincts described in this chapter.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 1.12 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 2. Chapter 1.12 of the Salisbury City Code of the Salisbury City Code, entitled "CITY CAMPAIGN ADVERTISING AND FINANCE" is amended as follows:

Chapter 1.12 CITY **ELECTION** CAMPAIGN ADVERTISING AND FINANCE

1.12.010 Advertising.

- A. A person, candidate, campaign manager, treasurer, partisan organization or political committee, including political clubs, or party committee may not expend any money for printing, publication or broadcasting of any political matter whatsoever, unless the matter purports on its face to be paid political advertisement and printed, published or broadcast by authority of the person, campaign manager or treasurer for the named candidate, partisan organization, party committee or political committee, including political clubs.
- B. Requirements of Subsection A of this section shall ~~not~~ apply to any individual, **group, or committee** ~~publishing or distributing campaign literature promoting passage or defeat of any principle or a proposition~~ **petition for a referendum or the passage or defeat of a referendum** submitted to a vote at any city election, ~~provided that such campaign literature is published and distributed independent of, and not in coordination with, any campaign, committee or other entity.~~

1.12.020 Books, records and receipts.

- A. Every candidate for the office of mayor or city council for the city **or any group promoting the passage or defeat of a petition or referendum** shall appoint a treasurer who shall have the responsibility of maintaining detailed, full and accurate accounts in a proper book or books to be called "account books." The account books shall contain a detailed record of contributions, monies, loans (including personal contributions, loans and monies) or valuable things received, including the date each contribution was received and the name and address of each contributor. The account books shall also contain a detailed record of all disbursements made by the candidate or his or her representative acting on his or her behalf, **or group, as the case may be.**

- B. Account books shall be maintained by the candidate or his or her representative for at least one year following the date of the general election. 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.
- 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, 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. A loan shall not be forgiven in an amount in excess of two hundred fifty dollars (\$250.00). Subsection B is an exclusion to the requirements of this subsection.
- D. Contributions of 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~~ **Campaign finance report** to be filed by the candidate or treasurer.

- A. The candidate and/or treasurer shall file a complete and accurate ~~financial disclosure statement~~ **campaign finance report** detailing the contents of the account books no later than seven days prior to the general election. The ~~financial disclosure statement~~ **campaign finance report** 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~~ **campaign finance report** 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~~ **campaign finance report** shall be required if the contributions received total less than six hundred dollars (\$600.00) for the election; however, a statement under oath shall be filed by the candidate and treasurer that no ~~financial disclosure statement~~ **campaign finance report** is required pursuant to this section. Such statement, if applicable, shall be filed seven days prior to the general election.

D. Each ~~financial disclosure statement~~ **campaign finance report** 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.

1.12.050 Enforcement.

It shall be the duty of the city ~~election~~ board to enforce this chapter and to ensure that it is complied with by all candidates for city office.

1.12.060 Late filing of ~~financial disclosure statements~~ **campaign finance report**.

A. There shall be a late filing fee for each ~~financial disclosure statement~~ **campaign finance report** which is not filed within the time prescribed. The fine shall be twenty dollars (\$20.00) per day for the first five days and ten dollars (\$10.00) per day thereafter for each date that the report is overdue. The maximum fine to apply to any one report shall be two hundred fifty dollars (\$250.00). Weekends and holidays shall be excluded in the above time computations.

B. Any fines assessed pursuant to this chapter shall be the personal responsibility of the candidate and treasurer and may not be paid for by using campaign funds.

1.12.070 Perjury.

Any willfully false, fraudulent or misleading statement or entry made by any candidate or treasurer in any statement or account under oath required by this chapter shall constitute the crime of perjury and shall be punishable by such according to the laws of this state.

1.12.080 Penalty.

The penalty for violation of this chapter, except for late filing as provided for above, shall be a fine of up to four hundred dollars (\$400.00) as determined by the city ~~election~~ board.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 24th day of April, 2023 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 of the City of Salisbury on the 8th day of May, 2023.

ATTEST:

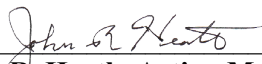


Kimberly R. Nichols, City Clerk



Muir W. Boda, City Council President

Approved by me, this 9th day of May, 2023.



John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

TO: City Council
FROM: Kimberly Nichols, City Clerk
DATE: April 12, 2023
SUBJECT: Amending 1.08- ELECTION BOARD and 1.12- CITY CAMPAIGN ADVERTISING

The City of Salisbury Election Board met with Legal to review the City Charter and Code pertaining to Elections. I concur with the following recommendations to update and clarify the Code:

1.08 CITY OF SALISBURY ELECTION BOARD

- Change the name of the Board to City of Salisbury Election Board for consistency
- Replace "absentee" ballot language with "mail-in" ballot to be consistent with the State
- Clarify the duties of the Board
- Remove reference to the Primary since the City eliminated primary elections
- To designate the preparation of election maps by the Information Services Department

1.12 CITY ELECTION CAMPAIGN ADVERTISING AND FINANCE

- Update the name for clarification
- Add language to include referendums in campaign advertising and finance
- Strike phrase "Financial Disclosure Statement" and replace with "Campaign Finance Report" to avoid confusion. The financial disclosure statement is a different document.

If you have any questions about the attached ordinance, please let me know. Otherwise, please approve including this in an upcoming Legislative Session.