

ORDINANCE NO. \_\_\_\_\_

ORDINANCE: To repeal and reenact City Code Chapter 8, titled "Elections," to reorganize the Chapter and provide an updated elections process in line with State law and best practices

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND** that Chapter 8 of the Rockville City Code, entitled "Elections," is hereby repealed in full and reenacted as follows:

**Chapter 8**

**ELECTIONS**

**ARTICLE I. - IN GENERAL**

**DIVISION 1. - STATEMENT OF PURPOSE; APPLICABILITY; DEFINITIONS**

**Sec. 8-1. Short title.**

This Chapter shall be known and may be cited as the "Rockville Election Code".

**Sec. 8-2. Statement of purpose.**

(a) The purpose of the election procedures contained in this Chapter is to provide for the conduct of Rockville municipal elections generally in the City of Rockville by exercising the powers granted to the Mayor and Council to provide for the conduct of Rockville municipal elections and for the prevention of fraud in connection with such elections.

(b) The intention of this Chapter is that the conduct of Rockville municipal elections should inspire public confidence and trust by assuring that:

(1) all persons voting in Rockville municipal elections are treated fairly and equitably;

(2) all qualified Rockville residents may register and vote in Rockville municipal elections and those who are not qualified do not vote in Rockville municipal elections;

(3) those who administer in Rockville municipal elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of all other interests;

(4) full information on Rockville municipal elections is provided to the public, including disclosure of campaign contributions and expenditures;

(5) Rockville resident convenience is emphasized in all aspects of the election process;

(6) security and integrity are maintained in the casting of ballots, canvassing of votes, and reporting of election results;

- (7) the prevention of fraud and corruption is diligently pursued; and
- (8) any offenses that occur are prosecuted.

**Sec. 8-3. Applicability; Amendments.**

(a) The provisions of this Chapter applies only to Rockville municipal elections, including general, special, and recall elections, held subsequent to July 1, 2026.

(b) No changes shall be made to this Chapter within 180 days of a Rockville municipal general election or within 30 days of a Rockville municipal special election unless such changes are approved by a vote of at least 6 members of the Mayor and Council.

**Sec. 8-4. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated unless a different meaning is clearly intended from the context in which the term appears:

(a) “*Advisory referendum ballot questions*” means those questions that are included on a Rockville municipal general election ballot in accordance with the provisions of this Chapter.

(b) “*Affidavit*” means a sworn statement in writing, including a self-affirmation.

(c) “*Authorized candidate campaign committee*” means a campaign committee established under Article VII of this Chapter and authorized by a candidate to promote the candidate's candidacy.

(d)(1) “*Ballot*” includes:

- (i) a vote-by-mail ballot; or
- (ii) a provisional ballot;

(2) “*Ballot*” does not include:

- (i) a sample ballot; or
- (ii) a specimen ballot;

(e) “*Ballot drop box*” means a secure, durable, and weatherproof container (if located outside) that is officially designated by the Board exclusively for Rockville eligible voters to deposit vote-by-mail ballots.

(f) “*Ballot issue committee*” means a campaign committee that is formed to promote the success or defeat of a ballot question to be submitted to a vote at a Rockville municipal election.

(g) “*Ballot questions*” means charter amendment ballot questions and advisory referendum ballot questions.

(h) “*Board*” means the Board of Supervisors of Elections, the body designated by the Mayor and Council to administer and supervise Rockville municipal elections.

(i) “*Campaign committee*” means a combination of two or more individuals that has as its major purpose promoting the success or defeat of a candidate or ballot question submitted to a vote at any Rockville municipal election.

(j) “*Campaign finance entity*” means a campaign committee established under Article VII of this Chapter.

(k) “*Campaign finance report*” means a report, statement, affidavit, or other document that is:

- (1) authorized or required under this Chapter;
- (2) related to the campaign finance activities of a campaign committee; and
- (3) filed or submitted on a form prescribed by the Board under this Chapter.

(l)(1) “*Campaign material*” means any material that:

- (i) contains text, graphics, or other images;
- (ii) relates to a candidate, a prospective candidate, or the approval or rejection of a ballot question or prospective ballot question; and
- (iii) is published, distributed, or disseminated.

(2) “*Campaign material*” includes:

- (i) a qualifying paid digital communication;
- (ii) any other material transmitted by or appearing on the Internet or other electronic medium;
- (iii) an oral commercial campaign advertisement; and
- (iv) an automated or prerecorded oral communication.

(m) “*Candidate*” means an individual who:

- (1) is listed on the ballot for a Rockville elected office;
- (2) has begun to circulate Rockville nominating petitions or authorized another person to do so on their behalf for nomination for or election to a Rockville elected office; or
- (3) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about their nomination for or election to any Rockville elected office.

(n) “*Certificate of withdrawal*” means a certificate filed with the City Clerk/Director of Council Operations by an individual withdrawing their candidacy for a Rockville elected office.

(o) “*Chapter*” means Chapter 8 of the Rockville City Code.

(p) “*Charter*” means the charter of The Mayor and Council of Rockville, a body corporate and municipal corporation of the State of Maryland, authorized under Article XI-E of the Maryland Constitution.

(q) “*Charter amendment ballot questions*” means those questions related to amendment of the Charter that are included on a ballot in accordance with the provisions of this Chapter.

(r) “*City*” means the The Mayor and Council of Rockville, a municipal corporation of the State of Maryland.

(s) “*City administered supplemental voter registry*” means the list of Rockville eligible voters, who are registered, in accordance with §8-29(b) of this Chapter, to vote in the upcoming Rockville municipal election.

(t) “*Continuing campaign committee*” means a campaign committee that is permitted to continue in existence from year to year.

(u)(1) “*Contribution*” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign committee to promote or assist in the promotion of the success or defeat of a candidate, or ballot question.

(2) “*Contribution*” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in §8-97 of this Chapter.

(3) “*Contribution*” does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

(v) “*County administered voter registry*” means a certified list developed by the Montgomery County Board of Elections in accordance with § 3-403 of the State Election Article of individuals eligible to vote in Rockville municipal elections who are included on the statewide voter registration list at addresses within the corporate boundaries of the City.

(w) “*Election cycle*” means the period that begins on the January 1 that follows a Rockville municipal general election and continues until the December 31 that is 4 years later.

(x) “*Electronic signature*” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(y) “*Expenditure*” means a gift, transfer, disbursement, or promise of money or a thing of value by or on behalf of a campaign committee to promote or assist in the promotion of the success or defeat of a candidate or ballot question at a Rockville municipal election.

(z)(1) “*Independent expenditure*” means a gift, transfer, disbursement, or promise of money or a thing of value by a person expressly advocating the success or defeat of a clearly identified candidate or ballot question if the gift, transfer, disbursement, or promise of money or a thing of value is not made in coordination, cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, a candidate, an authorized candidate campaign committee, a slate, an agent of a candidate or candidates, or a ballot issue committee.

(2) For purposes of this subsection, “clearly identified” means:

- (i) the name of the candidate appears;
- (ii) a photograph or drawing of the candidate appears; or
- (iii) the identity of the candidate or ballot question is apparent by unambiguous reference.

(aa) “*Online platform*” means any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that:

- (1) has 100,000 or more unique monthly United States visitors or users for a majority of months during the immediately preceding 12 months; and
- (2) receives payment for qualifying paid digital communications.

(bb) “*Person*” means a corporation, business, or other legal entity or an individual.

(cc) “*Political action committee*” means a campaign committee that is not:

- (1) a slate;
- (2) an authorized candidate campaign committee; or
- (3) a ballot issue committee.

(dd) “*Provisional ballot*” means a ballot that is cast by an individual but not counted until the individual’s qualifications to vote have been confirmed by the Board.

(ee) “*Qualifying paid digital communication*” means any electronic communication that:

- (1) is campaign material;

- (2) is placed or promoted for a fee on an online platform;
- (3) is disseminated to 500 or more individuals; and
- (4) does not propose a commercial transaction.

(ff) “*Quarterly CFR Submission Dates*” means January 5<sup>th</sup>, March 5<sup>th</sup>, July 5<sup>th</sup>, and October 5<sup>th</sup>.

(gg) “*Responsible officers*” means the treasurer and chairperson of a campaign committee.

(hh) “*Rockville elected office*” means either the office of the Mayor or Councilmember.

(ii) “*Rockville eligible voter*” means an individual who meets the specific requirements for voting in Rockville municipal elections.

(jj) “*Rockville municipal elections*” means Rockville municipal general elections, Rockville municipal special elections, and Rockville municipal recall elections.

(kk) “*Rockville municipal general election*” means an election for Mayor and Councilmembers, held the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015, as set forth in Article III, Section 4 of the Charter and §8-47 of this Chapter.

(ll) “*Rockville municipal recall election*” means an election to recall a member of the Mayor and Council, in accordance with the provisions set forth in Article III, Section 6 of the Charter and §8-49 of this Chapter.

(mm) “*Rockville municipal special election*” means an election to (a) elect a candidate to serve the remainder of the unexpired term of a member of the Mayor and Council who, by reason of death, resignation, removal from the City or otherwise, vacates their seat on the Mayor and Council, in accordance with Article III, Section 5 of the Charter and §8-48 of this Chapter, and (b) vote on the proposed amendment or amendments to the Charter in accordance with Article V, Section 3 of the Charter and §8-48 of this Chapter.

(nn) “*Rockville municipal voting system*” means a method of casting and tabulating ballots or votes for a Rockville municipal election.

(oo) “*Rockville nominating petition*” means a petition filed by an eligible individual with the City Clerk/Director of Council Operations in accordance with §8-38 of this Chapter in order to become a candidate for a Rockville elected office.

(pp) “*Rockville vote center*” means a site selected and established by the Board in accordance with the provisions of this Chapter where individuals can register to vote and cast ballots for a Rockville municipal election.

(qq) “*Sample ballot*” means a facsimile of a ballot used for informational purposes by a person or entity other than the Board.

(rr) “*Slate*” means a campaign committee of two or more candidates who join together to conduct and pay for joint campaign activities

(ss) “*Specimen ballot*” means a facsimile of a ballot used by the Board to provide notice to registered voters of the contents of the ballot.

(tt) “*State Board*” means the Maryland State Board of Elections.

(uu) “*State Election Article*” means Election Law Article of the Annotated Code of Maryland, as amended.

(vv) “*Transfer*” means a monetary contribution that is made by one campaign committee to another campaign committee.

(ww) “*Treasurer*” means an individual appointed in accordance with §8-80 of this Chapter.

(xx) “*Vote*” means to cast a ballot in a Rockville municipal election conducted in accordance with this Chapter.

(yy) “*Vote-by-mail ballot*” means a ballot that is mailed by the City Clerk/Director of Council Operations to each registered voter who is eligible to vote in the next Rockville municipal election.

(zz) “*Voter*” means a Rockville eligible voter.

## **DIVISION 2. - GENERAL PROVISIONS**

### **Sec. 8-5. Computation of time.**

(a) Calendar days shall be used in all computations of time made under this Chapter.

(b) In computing time for any act or event to be done before any Rockville municipal election, the first day is excluded, and the last, or election, day is included. Saturdays, Sundays, and City holidays are included but, if the time for any act to be done or the last day of any period is a Saturday, Sunday, or City holiday, the period is extended to include the next day that is not a Saturday, Sunday, or City holiday.

### **Sec. 8-6. Nonpartisan elections.**

Candidates shall not run for any Rockville elected office as the representative or nominee of any political party.

### **Sec. 8-7. Electronic signatures.**

The Board may accept an electronic signature for any form, document, report, or affidavit required by the Board under this Chapter.

**Secs 8-8—8-15. Reserved**

**ARTICLE II. - BOARD OF SUPERVISORS OF ELECTIONS**

**Sec. 8-16. Organization.**

(a) The Board shall consist of five regular members, who may be appointed by any member of the Mayor and Council, subject to the approval of a majority vote of the Mayor and Council. The Board is accountable to the Mayor and Council for its actions in all matters regarding the implementation of the requirements of this Chapter.

(b) Each member of the Board shall be a registered Rockville eligible voter in Montgomery County, shall reside within the corporate limits of the City, and shall not hold or be a candidate for any Rockville elected office during their term of office.

(c) Before taking office, each member of the Board shall take and subscribe to the following oath:

*I, \_\_\_\_\_ residing at \_\_\_\_\_ in the City of Rockville, do swear that I will support the Constitution of the United States and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, fairly and honestly discharge the duties of a supervisor for the Board of Supervisors of Elections for the City of Rockville, according to the Constitution and laws of this State, and the Charter and laws of this City.*

(d)(1) The terms of the members of the Board shall begin on the first Monday in June of an even year and shall run for four (4) years. Notwithstanding the foregoing, the terms of two (2) members shall be staggered with respect to the terms of the other three (3) members.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) If a vacancy occurs on the Board, the Mayor shall appoint, subject to approval of a majority vote of the Mayor and Council, an eligible individual as the successor member to fill the vacancy for the remainder of the unexpired term and until a qualified successor is appointed.

(e) The Board shall meet within 20 days after the beginning of the new term of members of the Board to elect one of its members as Chairperson.

(f) Upon a majority vote, the Mayor and Council may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Mayor and Council's grounds for dismissal and after affording the member notice and an opportunity to be heard in accordance with Article III, Section 2.b of the Charter.

## **Sec. 8-17. Duties.**

(a) Registration of voters. Subject to the applicable provisions of the Charter and this Chapter, the Board shall supervise and administer the registration of individuals who are eligible to vote in Rockville municipal elections.

(b) Nomination of candidates. Subject to the applicable provisions of the Charter and this Chapter, the Board shall supervise and administer the nomination process of individuals seeking to have their names placed on ballots as candidates for Rockville municipal elections.

(c) General supervision of Rockville municipal elections. Subject to the applicable provisions of the Charter and this Chapter, the Board shall supervise and administer all Rockville municipal elections to ensure that the elections are conducted in an open, convenient, and impartial manner.

(d) Promulgation of administrative policies, procedures, forms and templates. The Board shall promulgate all administrative policies, procedures, forms and templates necessary for its supervision and administration of (i) the registration of individuals who are eligible to vote in Rockville municipal elections, (ii) the nomination process of individuals seeking to have their names placed on ballots as candidates for Rockville municipal elections, and (iii) all Rockville municipal elections to ensure that the elections are conducted in an open, convenient, and impartial manner.

(e) Posting of administrative policies, procedures, forms and templates. In order to provide transparency to the public, current versions of the Board's administrative policies, procedures, forms and templates will be posted on the City's website, unless the posting of a policy, procedure, form or template would compromise the integrity or security of a Rockville municipal election.

(f) Enforcement. The Board shall enforce the provisions of this Chapter in accordance with the provisions of Article VIII of this Chapter.

(g) The Board may recommend to the Mayor and Council amendments to Article III of the Charter and this Chapter when the Board deems such proposed amendments are necessary and will provide for improved open, convenient, and impartial Rockville municipal elections.

(h) The Board shall perform such other duties as may be assigned to the Board by the Rockville Charter and those ordinances and resolutions adopted by the Mayor and Council.

## **Sec. 8-18. Funding.**

The Mayor and Council shall appropriate, as necessary, funds to enable the Board to pay the reasonable expenses incurred by the Board to discharge its duties prescribed in the Charter and this Chapter.

## **Sec. 8-19. Staff support.**

(a) The City Clerk, City Manager, and City Attorney will each assist and support, and as appropriate, designate their respective staff members to assist and support the Board in its official duties.

(b) The City Clerk/Director of Council Operations is authorized to receive, on behalf of the Board, all affidavits, petitions, certificates, reports, notices, and other documents required to be filed under the provisions of this Chapter. Except as otherwise provided, all affidavits, petitions, certificates, reports, notices, and other documents submitted shall be deemed filed with the Board when received by the City Clerk City Clerk/Director of Council Operations and shall be transmitted to the Board without delay.

(c)(1) Except as provided in paragraph (2) of this subsection, and subject to technical difficulties, the City Clerk/Director of Council Operations shall work with the Department of Information and Technology to provide live streaming of each open meeting held by the Board.

(2) The live streaming requirement under paragraph (1) of this subsection does not apply with respect to:

- (A) an open meeting held off-site;
- (B) a project site visit; or
- (C) an inspection conducted by the Board.

(3) The Department of Information and Technology shall maintain a complete and unedited archived recording of each open meeting for which live streaming was provided under subsection (c)(2) of this section for a minimum of 5 years after the date of the meeting.

**Secs 8-20—8-25. Reserved**

**ARTICLE III. - VOTER REGISTRATION**

**Sec. 8-26. Registration required.**

No individual shall vote, or be permitted to vote, in any Rockville municipal election unless such individual is properly registered to vote with:

- (1) the State of Maryland in accordance with the State Election Article and the provisions of this Article; or
- (2) with the Board in accordance with the provisions of this Article and such administrative policies and procedures promulgated by the Board.

**Sec. 8-27. Registration with the State of Maryland.**

(a) Any individual shall automatically be entitled to cast a ballot in a Rockville municipal election if the individual:

(1) Is registered to vote with the State of Maryland in accordance with the State Election Article;

(2) Is included on the County administered voter registry at an address within the corporate boundaries of the City;

(3) Resides within the corporate boundaries of the City on the day such individual casts a ballot in a Rockville municipal election; and

(4) Is, in accordance with the Charter, at least [16/18] years of age on the day such individual casts a ballot in a Rockville municipal election.

(b)(1) According to the State Election Article, except as provided in paragraph (2) of this subsection, an individual may register to vote with the State of Maryland if the individual:

(A) is a citizen of the United States;

(B) is at least 16 years old;

(C) is a resident of the State as of the day the individual seeks to register; and

(D) registers pursuant to Title 3 of the State Election Code.

(2) An individual is not qualified to register to vote with the State of Maryland if the individual:

(A) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;

(B) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(C) has been convicted of buying or selling votes.

### **Sec. 8-28. Registration with the Board.**

If an individual is not registered to vote with the State of Maryland in accordance with the State Election Article and the provisions of this Article, an individual may still be entitled to cast a ballot in a Rockville municipal election if the individual:

(1) Resides within the corporate boundaries of the City on the day such individual casts a ballot in a Rockville municipal election;

(2) Is, in accordance with the Charter, at least [16/18] years of age on the day such individual casts a ballot in a Rockville municipal election; and either

(3) registers to vote in City Hall with the City Clerk/Director of Council Operations, on behalf of the Board, in accordance with administrative policies and procedures promulgated by the Board; or

(4) registers to vote at a Rockville vote center on the day of a Rockville municipal election in accordance with administrative policies and procedures promulgated by the Board.

**Sec. 8-29. Voter registries.**

(a) County administered voter registry. In accordance with the State Election Article:

(1) the Montgomery County Board of Elections shall work with the Board to develop a plan and a schedule for the provision of County administered voter registries for Rockville municipal elections; and

(2) the Board shall request, and the Montgomery County Board of Elections shall provide at no cost, the County administered voter registries prepared in compliance with the plans and schedules established.

(b) City administered supplemental voter registry. The City Clerk/Director of Council Operations shall establish and maintain a City administered supplemental voter registry containing the names and address of those individuals who are not registered to vote with the State of Maryland, but who are registered to vote with the City and are entitled to vote in Rockville municipal elections.

**Sec. 8-30. Challenges; Appeals.**

(a) Challenges to the registration of any individual on the County administered voter registry shall be filed with the Montgomery County Board of Elections, in accordance with Montgomery County Board of Elections' policies and procedures.

(b) Challenges to the registration of any individual on the City administered supplemental voter registry shall be filed with the Board, in accordance with the Board's administrative policies and procedures.

(c) If an individual shall feel aggrieved by the action of the Board in refusing to register the individual or in striking off the name of any individual off the City administered supplemental voter registry, or by any other action, such individual may appeal to the Circuit Court for Montgomery County. Such appeal must be filed within three (3) days of the date of the decision of the Board and may thereafter be further appealed to the appellate courts of Maryland pursuant to the Maryland Rules of Procedure.

**Secs 8-31—8-35. Reserved**

**ARTICLE IV. - CANDIDATES**

**Sec. 8-36. Eligibility.**

(a) Candidates for mayor. An individual is eligible to become a candidate and have their name placed on a ballot for the office of Mayor if the individual:

(1) is registered to vote in the next Rockville municipal election in accordance with Article III of this Chapter;

(2) will be at least [16/18] years of age on or before the day of the Rockville municipal election in which the individual will be a candidate; and

(3) will have resided within the corporate limits of the City for at least one year immediately preceding the day of the Rockville municipal election in which the individual will be a candidate.

(b) Candidates for city council. An individual is eligible to become a candidate and have their name placed on a ballot for Council if the individual:

(1) is registered to vote in the next Rockville municipal election in accordance with Article III of this Chapter;

(2) will be at least [16/18] years of age on or before the day of the Rockville municipal election in which the individual will be a candidate; and

(3) will have resided within the corporate limits of the City for at least one year immediately preceding the day of the Rockville municipal election in which the individual will be a candidate.

**Sec. 8-37. Candidacy for more than one office.**

An eligible individual simultaneously may not be a candidate for more than one Rockville elected office.

**Sec. 8-38. Rockville nominating petition**

(a) An eligible individual may become a candidate and have their name placed on a ballot for a Rockville elected office only if:

(1) the eligible individual, or authorized agent of such individual, files a Rockville nominating petition with the City Clerk/Director of Council Operations in accordance with subsection (b) of this section, and the Board, upon determining that the Rockville nominating petition satisfies all of the Board's requirements, accepts such petition;

(2) the eligible individual, or authorized agent of such individual, establishes, or causes to be established, an authorized candidate campaign committee in accordance with §8-80 of this Chapter; and

(3) the eligible individual does not file a certificate of withdrawal in accordance with subsection (f) of this Section.

(b) Filing. An eligible individual, or an authorized agent of such individual, must, on a form prescribed by the Board, in accordance with the administrative policies and procedures promulgated by the Board, file under oath a Rockville nominating petition with the City Clerk/Director of Council Operations that has been signed by at least 100 registered Rockville eligible voters. The Rockville nominating petition shall include:

- (1) the name of the individual seeking to be a candidate;
- (2) a statement of the Rockville elected office to which election is sought;
- (3) a statement that the signors request that the name of the individual seeking to be a candidate be placed on the ballot; and
- (4) any other additional information that may be prescribed, from time to time, by the Board.

(c) The Rockville nominating petition shall be accompanied by a copy of all of the requisite statements filed with the Rockville Ethics Commission in accordance with §16-63 of the City Code, and such other forms and certificates as may be required by the Board.

(d) Individuals are not permitted to use nicknames, titles, degrees or other professional designations on a Rockville nominating petition.

(e) Filing deadline. A Rockville nominating petition must be filed with the City Clerk/Director of Council Operations, on behalf of the Board, not later than 5 p.m. at least 60 calendar days preceding the day of the Rockville municipal election in which the individual will be a candidate.

(f) Withdrawal of Rockville nominating petition.

(1) An individual who has filed a Rockville nominating petition in accordance with this Section, and such Rockville nominating petition has been accepted by the Board, may withdraw their candidacy by filing a certificate of withdrawal with the City Clerk/Director of Council Operations, on behalf of the Board, at least 55 calendar days preceding a Rockville municipal election.

(2) If a certificate of withdrawal is filed under this Section, the Rockville nominating petition to which the certificate of withdrawal relates is void and the name of the individual withdrawing will not be printed upon the ballots to be used in the Rockville municipal election unless the individual files a new Rockville nominating petition within the time limit prescribed for filing.

### **Sec. 8-39. City employees as candidates.**

(a) In accordance with State law, City employees, including City employees who either seek to qualify as a candidate or qualifies as a candidate, may not engage in political activity while on the job during working hours.

(b) Any City employee who gains City elective office shall resign their position of employment with the City upon the assumption of office.

**Sec. 8-40. Write-in candidates.**

Write-in candidates are permitted in Rockville municipal elections in accordance with the administrative policies and procedures promulgated by the Board.

**Secs 8-41—8-45. Reserved**

**ARTICLE V. – ROCKVILLE MUNICIPAL ELECTIONS**

**Sec. 8-46. In general.**

(a) Conduct and uniformity of elections.

(1) Under the general supervision of the Board, Rockville municipal elections shall be conducted in accordance with the Charter, this Chapter, and the administrative policies and procedures promulgated by the Board.

(2) Except where it would be inappropriate, or as otherwise provided in this Chapter, the electoral process for Rockville municipal elections shall be uniform.

(b) Emergencies.

(1) In the event that a local state of emergency, declared by the Mayor and Council in accordance with the provisions of law, interferes with the Rockville municipal electoral process, the emergency ordinance may:

(A) provide for the postponement, until a specific date, of a Rockville municipal election;

(B) specify alternate Rockville vote centers; or

(C) specify alternate Rockville municipal voting systems.

(2) The Board shall develop administrative policies and procedures for all other emergencies that interfere with the Rockville municipal process.

(c) Notices.

In accordance with the Charter, the Board shall give at least one months' notice for every Rockville municipal election by an advertisement published at least four times during the period of such notice in at least one newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places on the City. The Board shall promulgate administrative policies and procedures to provide for the requisite notices for each Rockville municipal election.

**Sec. 8-47. Rockville municipal general elections.**

(a) In accordance with Article III, Section 4 of the Charter, on the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015, Rockville eligible voters shall elect one individual as mayor and six individuals as councilmembers to serve for terms of four years.

[(b) Beginning in the year 20\_\_\_, any individual elected to serve as mayor, and any individual elected to serve a councilmember shall not be permitted to serve more than \_\_\_ (\_\_\_) consecutive terms of four years.]

[(c) In accordance with future amendments to the Charter, this Chapter, and administrative policies and procedures promulgated by the Board, beginning in the year [2031], the City shall provide for the election of [two] councilmembers in at-large elections and the election of [four] councilmembers in City council district elections.]

#### **Sec. 8-48. Rockville municipal special elections.**

(a) In accordance with Article III, Section 5 of the Charter, the Mayor and Council shall, by adoption of an ordinance, specify the date for a Rockville municipal special election at which Rockville eligible voters shall vote to elect a candidate to serve the remainder of the unexpired term of a member of the Mayor and Council who, by reason of death, resignation, removal from the City or otherwise, vacates their seat on the Mayor and Council.

(b) In accordance with Article V, Section 3 of the Charter, the Mayor and Council may, by adoption of a resolution, specify the date and the hours for a Rockville municipal special election at which Rockville eligible voters shall vote on the proposed amendment or amendments to the Charter. The date of the Rockville municipal special election must be within a period of not less than 40 days nor more than 60 days after adoption of the resolution.

#### **Sec. 8-49. Rockville municipal recall elections.**

In accordance with Article III, Section 6.d. of the Charter, the Mayor and Council shall, upon receipt of a certificate from the City Clerk/Director of Council Operations certifying that a recall petition is sufficient, order a Rockville municipal recall election to be held on a date not less than 30 days nor more than 45 days from the date of the certificate; provided, however, that if any other Rockville municipal election is to occur within 60 days from the date of the City Clerk's certificate, the Mayor and Council may, at its discretion, postpone the holding of the Rockville municipal recall election to the date of such other Rockville municipal election.

#### **Secs 8-50—8-55. Reserved**

### **ARTICLE VI. –VOTING**

#### **Sec. 8-56. Rockville municipal voting system.**

(a) The Board shall select a Rockville municipal voting system for Rockville municipal elections. The Rockville municipal voting system selected by the Board must:

- (1) protect the secrecy of the ballot;

- (2) protect the security of the voting process;
- (3) count and record all votes accurately;
- (4) accommodate any ballot used under this Chapter;
- (5) protect all other rights of Rockville eligible voters and candidates;
- (6) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
- (7) comply with both the American with Disabilities Act, P.L. 101-336, and the Help America Vote Act, P.L. 107-252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(b) The City Clerk/Director of Council Operations and the Department of Procurement, on behalf of the Board, shall work in conjunction to procure the Rockville municipal voting systems selected by the Board.

**Sec. 8-57. Ballots – in general.**

- (a) Voting by ballot required for Rockville municipal elections.
  - (1) In any Rockville municipal election conducted under this Chapter:
    - (A) all voting shall be by ballot; and
    - (B) only votes cast on a ballot may be counted.
  - (2) All ballots shall comply with the provisions of this Article.
  - (3) A ballot may not be used for any purpose not authorized by this Chapter.
- (b) Ballot standards. Each ballot shall:
  - (1) be easily understandable by Rockville eligible voters;
  - (2) present all candidates and ballot questions in a fair and nondiscriminatory manner;
  - (3) permit Rockville eligible voters to easily record a vote for the candidates of their choice and in response to ballot questions;.
  - (4) protect the secrecy of Rockville eligible voters' votes; and
  - (5) facilitate the accurate tabulation of the votes of Rockville eligible voters.
- (c) Ballot preparation – Board responsibility.

(1) The Board shall be responsible for the content and the arrangement of each ballot to be used in Rockville municipal elections, including the placement of candidate names and ballot questions (if any), and other material on the ballot, in accordance with the Board's administrative policies and procedures.

(2) Notwithstanding subsection (c)(1), above, in accordance with Board administrative policies and procedures, the placement of candidate names on ballots must be arranged by office in a randomized order.

(d) Ballot accountability.

The Board shall establish and maintain a system to account for, and maintain control over, the ballots from the beginning of production through postelection storage and disposition.

(e) Ballot questions.

(1) Charter amendment questions shall be placed on a Rockville municipal election ballot if a petition to amend the Charter, submitted to the Mayor and Council by the requisite number of Rockville eligible voters, complies with the requirements of Article V, Section 3 of the Charter.

(2) Advisory referendum questions shall be placed on a Rockville municipal general election ballot if, on or before the first Tuesday in August preceding a Rockville municipal general election, the Mayor and Council adopts a resolution approving such advisory referendum questions. The results of such referendum shall be advisory only and shall not be binding upon the Mayor and Council.

(f) Administrative policies and procedures.

The Board shall promulgate administrative policies and procedures for ballots, including ballot production, ballot security, and storage and retention of ballots following canvass and certification.

(g) Use, distribution, possession, or reproduction of unauthorized ballots prohibited.

(1) A person may not use, distribute, possess, print, or reproduce a ballot for a Rockville municipal election other than as authorized in this Chapter.

(2) A person who violates the provisions of subsection (a) of this section shall be subject to the penalties provided in Article VIII of this Chapter.

**Sec. 8-58. Ballots – distribution.**

(a) Mailing of ballot. In accordance with the administrative policies and procedures promulgated by the Board, the City Clerk/Director of Council Operations shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter who is eligible to vote in the next Rockville municipal election.

(b) Envelope and oath.

(1) Vote-by-mail ballots mailed in accordance with subsection (a) of this Section shall be enclosed in an inner envelope designated the “ballot/return envelope,” which shall be enclosed in an outer envelope designated the “outgoing envelope” that is addressed to the registered voter. The form and content of the ballot/return envelope and the outgoing envelope shall be prescribed by the Board.

(2) Each outgoing envelope shall include a statement, prominently placed, requesting that the recipient return the ballot to the Board if the intended recipient no longer lives at that address. Each ballot/return envelope shall include prepaid postage, and an oath, prescribed by the Board.

(c) Instructions. All vote-by-mail ballots mailed in accordance with subsection (a) of this Section shall be accompanied by instructions, prescribed by the Board, for marking and returning the ballot.

(d) Replacement vote-by-mail ballots. In accordance with the administrative policies and procedures promulgated by the Board, the City Clerk/Director of Council Operations, on behalf of the Board, shall issue a replacement vote-by-mail ballot to each registered voter who is eligible to vote in the next Rockville municipal election if the City Clerk/Director of Council Operations has reasonable grounds to believe that the vote-by-mail ballot that was previously mailed to the voter has been lost, destroyed, spoiled, or not received.

**Sec. 8-59. Submission of vote-by-mail ballots.**

(a) Each registered voter who is eligible to vote in a Rockville municipal election may submit to the Board the vote-by-mail ballot distributed to them in accordance with §8-58 of this Chapter in a signed ballot/return envelope either:

- (1) by mail;
- (2) in person to the City Clerk/Director of Council Operations at City Hall during regular office hours;
- (3) through a ballot drop box; or
- (4) in person at a Rockville vote center on the day of the Rockville municipal election.

(b) Timeliness.

(1) A ballot is considered timely and may be counted if the ballot:

(A) is returned in person to the City Clerk/Director of Council Operations at City Hall by the voter no later than 5 p.m. on the day of a Rockville municipal election;

(B) is returned in person to a Rockville vote center by the voter no later than 8

p.m. on the day of a Rockville municipal election;

(C) is returned by the voter through a ballot drop box no later than 8 p.m. on the day of a Rockville municipal election; or

(D)(i) is received by mail by the Board no later than 5 p.m. on the first Thursday after a Rockville municipal election; and

(ii) was mailed on or before the Rockville municipal election day, as verified:

1. by a postmark; or

2. if the return envelope does not contain a postmark or the postmark is illegible, by the voter's affidavit that the ballot was mailed on or before election day.

(2) A ballot that does not meet the requirements of subsection (d)(1) of this Section is not timely and may not be counted.

#### **Sec. 8-60. Vote centers.**

(a) The Board shall, subject to the approval of the Mayor and Council, provide a suitable place or places within the City to serve as Rockville vote centers for each Rockville municipal election.

(b) Each Rockville vote center shall:

(1) provide an environment that is suitable to the proper conduct of an election;

(2) except as authorized in subsection (c) of this Section, be in a public building;

(3) whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

(c)(1) If suitable space in a public building is not available, the Board may pay a reasonable fee for the use of space in a privately owned building.

(2) A Rockville vote center may not be located in a privately owned building unless the owner of the building agrees to:

(A) allow electioneering on the premises up to the electioneering boundary established under §8-63 of this Article; and

(B) allow campaign signs on the premises, at a minimum, from 5 p.m. the day immediately preceding election day until 8 a.m. on the day immediately following election day.

(d) Rockville vote centers for all Rockville municipal elections shall be opened from seven o'clock (7:00) A.M. and remain open until all registered voters who are in line to vote by eight o'clock (8:00) P.M. have had an opportunity to vote.

(e) The Board shall provide election judges with detailed procedures for the closing of the Rockville vote centers.

**Sec. 8-61. Election judges.**

(a) Appointment and qualifications.

(1) *Appointment.* The Board shall provide at least three election judges to serve as the staff for each Rockville vote center.

(2) *Qualifications.* An election judge shall:

(A) be registered to vote in the next Rockville municipal election;

(B) be able to speak, read, and write the English language;

(C) not be engaged in any partisan or political activity related to a Rockville municipal election in which the individual will serve as an election judge, including serving as a (i) candidate for a Rockville elected office or (ii) treasurer or campaign chairperson for a campaign committee.

(3) The Board may adopt guidelines consistent with the provisions of this Article for the determination of the qualifications and training of individuals considered for appointment and the process of appointment as election judges.

(b) Oath. Each election judge shall be required to take the oath prescribed by Article I, § 9, of the Maryland Constitution before entering on the performance of the judge's official duties.

(c) Training of election judges. The Board shall:

(1) develop a training manual for election judges; and

(2) oversee the implementation of the training.

(d) Authority and duties.

(1) Under the supervision of the Board, an election judge shall:

(A) carry out the tasks assigned by the Board, including those set forth in any election judge instruction manual developed in accordance with subsection (c) of this Section, during the period of time that begins before the Rockville municipal election through the close of the Rockville vote centers and the return of materials to the Board; and

(B) take measures throughout election day to ensure that:

(i) each voter's right to cast a ballot in privacy is maintained;

(ii) the integrity of the voting process is preserved;

- (iii) order in the Rockville vote center is maintained; and
- (iv) all election laws are observed.

(2) While serving as an election judge on an election day, an election judge shall wear a badge that:

- (i) is in plain view; and
- (ii) identifies the individual as an election judge.

(3) An election judge shall:

- (i) keep the peace; and
- (ii) report to a police officer any person who breaches the peace, breaches any provision of this Article, or interferes with the work of the judges in conducting the Rockville municipal election and carrying out their assigned tasks.

(4) An election judge shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher.

(e) Compensation. The compensation of election judges shall be fixed from time to time by the Mayor and Council.

(f) Appeals. The decisions of election judges with respect to an individual desiring to vote can be appealed to the Board during the open hours of the Rockville vote centers. The Board shall be available during at least the last hour of each Rockville municipal election day for the purpose of hearing such appeals.

(g) Removal of an election judge.

(1) The Board shall investigate promptly each complaint it receives regarding the fitness, qualification, or performance of an individual appointed to be an election judge.

(2) The Board shall remove any election judge who is unfit or incompetent for the office.

### **Sec. 8-62. Challengers and watchers.**

(a) In accordance with Board administrative policies and procedures, members of the public who are registered with the City Clerk/Director of Council Operations shall have the right to serve as challengers or watchers at each place of registration and election.

(b) A challenger or watcher has the right to:

- (1) enter the Rockville vote center one-half hour before the polls open;
- (2) enter or be present at the Rockville vote center at any time when the polls are open;

(3) remain in the Rockville vote center until the completion of all tasks associated with the close of the polls and the election judges leave the Rockville vote center;

(4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the Rockville vote center; and

(5) enter and leave a Rockville vote center for the purpose of taking outside of the Rockville vote center information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c)(1)(i) A certificate signed by the City Clerk/Director of Council Operations shall be sufficient evidence of the right of a challenger or watcher to be present at a place of registration and election.

(ii) The Board shall prescribe a certificate that shall be supplied to the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges so that the challenger or watcher may see and hear each individual as the individual offers to vote.

(d)(1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the Rockville vote center with any voter;

(iii) assist any voter in voting; or

(iv) physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

### **Sec. 8-63. Electioneering.**

(a) Electioneering boundaries. An individual may not canvass, electioneer, or post any campaign material in a Rockville vote center or within a line, established by the Board through the posting of signs, that is as practicable to 50 feet from the entrance and exit of a building where ballots are cast or within 50 feet of a ballot drop box that is located outside. The Board may modify the 50-foot requirement to accommodate unusual sites and/or weather conditions in accordance with its administrative policies and procedures.

(b) Campaign paraphernalia. Except as otherwise provided in this subsection, a voter may wear into the Rockville vote center a button, shirt, hat or other article of clothing with a campaign message on it. A poll watcher may not wear such campaign paraphernalia in the Rockville vote center. An election judge or any other person who is authorized to remain in or near a Rockville vote center for an extended period of time may not wear campaign paraphernalia while inside the Rockville vote center or within the electioneering boundary.

**Sec. 8-64. Provisional voting.**

(a) Requirements for casting a provisional ballot.

(1) If an individual is eligible under subsection (2) of this subsection, in accordance with administrative policies and procedures of the Board, the individual shall be issued and may cast a provisional ballot at a Rockville vote center on election day.

(2) An individual is eligible to cast a provisional ballot if:

(A) the individual's name does not appear on the County administered voter registry or the City administered supplemental voter registry;

(B) the individual does not have the necessary identification;

(C) an election judge asserts that the individual is not eligible to vote in accordance with the Board's administrative policies, procedures, and guidelines; or

(D) The individual votes during a period covered by a court order or other order extending the time for closing the Rockville vote center. A provisional ballot cast under this paragraph shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(b) Application for provisional ballot. Before an individual casts a provisional ballot, the individual shall complete and sign the provisional ballot application prescribed by the Board:

(c) Instructions and special envelopes for provisional ballots.

(1) A provisional ballot shall be accompanied by instructions, prescribed by the Board, for marking and returning the ballot.

(2) When voted, a provisional ballot shall be enclosed in an envelope designated "provisional ballot/return envelope".

(d) Recordkeeping. The Board shall maintain a full record of provisional ballot voting in the City, including for each voter who votes using a provisional ballot.

(e) Guidelines for provisional voting.

(1) The Board shall establish guidelines for the administration of provisional ballot voting in the City.

(2) The guidelines shall provide for:

(A) the provisional ballot application process;

(B) ballot security, including storage of returned ballots;

(C) the canvass process;

(D) notice of the canvass to candidates, campaign organizations, news media, and the general public;

(E) observers of the process;

(F) review of ballots and envelopes submitted for compliance with the law and for machine tabulation acceptability;

(G) standards for disallowance of ballots during the canvass;

(H) storage and retention of ballots following canvass and certification.

**Sec. 8-65. Canvassing of ballots.**

The Board shall promulgate all administrative policies, procedures, forms and templates necessary for its supervision and administration:

(1) the canvassing of vote-by-mail ballots;

(2) the canvassing of provisional ballots;

(3) the public observation of the canvassing of ballots; and

(4) the custody and security of documents and records related to the canvassing of ballots.

**Sec. 8-66. Election results.**

(a) Unofficial election results. Immediately following the closing of the Rockville vote centers for a Rockville municipal election, in accordance with the administrative policies and procedures promulgated by the Board, the Board shall:

(1) administer and supervise canvassing of the vote-by-mail ballots;

(2) administer and supervise the tabulation of the vote-by-mail ballots;

(3) verify the accuracy of the vote-by-mail ballot tabulation; and

(4) determine and announce the unofficial results of the Rockville municipal election.

(b) Preliminary official election results. By no later than 6 p.m. on the Thursday following a Rockville municipal election, in accordance with the administrative policies and procedures promulgated by the Board, the Board shall:

(1) administer and supervise canvassing of the vote-by-mail ballots received by the City Clerk/Director of Council Operations;

(2) administer and supervise final canvassing of the provisional ballots;

(3) administer and supervise the tabulation of the provisional ballots and the vote-by-mail ballots received by the City Clerk/Director of Council Operations in accordance with §8-59(b)(1)(D) of this Chapter;

(4) verify the accuracy of the provisional ballot tabulation and the vote-by-mail tabulation;

(5) determine and announce the preliminary official results of the Rockville municipal election.

(c) Challenges to the election results.

(1) A candidate for mayor or councilmember may challenge the preliminary official election results if such results show that the candidate has lost an election by a margin of one-half (½) percent or less. The challenge must be made in writing to the Board within forty-eight (48) hours of the initial announcement of the preliminary official election results.

(2) If a candidate challenges preliminary official election results in accordance with subsection (c)(1), above, the Board must conduct a recount of the ballots in accordance with the administrative policies and procedures promulgated by the Board.

(3) The Board must announce the results of any recount conducted under this subsection (c) within five (5) days of receipt of a challenge.

(d) Tie votes.

(1) If, at the conclusion of a Rockville municipal election:

(A) two or more candidates with the highest number of votes for the office of Mayor have an equal number of votes, or

(B) two or more candidates with the sixth highest number of votes for Council have an equal number of votes;

then the Board shall proceed publicly to determine by lot which of the candidates shall be declared elected.

(2) Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board shall proceed so as to determine the election in their absence.

(e) Final official election results. Within seven (7) calendar days after a Rockville municipal election, the Board must resolve all challenges and certify the final official election results for the election. After receiving the certified results, the City Clerk must record the results in the minutes of the Mayor and Council, post the results at City Hall, and cause the results to be announced on the City cable television channel and the City's website.

(f) Publication of election results by the State.

(1) In accordance with State law, within 30 days after the results of a Rockville municipal election has been certified by the Board, the City Clerk/Director of Council Operations shall submit to the State Board an electronic copy of the certified election results or each office or question voted on at the Rockville municipal election, including:

(A) vote totals for each office or question reported separately by each of the following voting methods, if applicable:

- (i) mail-in-voting or vote-by-mail;
- (ii) provisional voting; and
- (iii) in-person election day voting.

(2) In accordance with State law, the State Board shall, immediately after the City Clerk/Director of Council Operations submits the City's election results, publish the election results on the State Board's website.

**Sec. 8-67. Preservation of ballots.**

All ballots, ballot envelopes, official voting tallies, and certifications for a Rockville municipal election shall be preserved by the Board for at least six months from the date of the election in accordance with the administrative policies and procedures promulgated by the Board

**[Sec. 8-68. Rank choice voting.**

Beginning in the year 2031, elections for councilmembers and the mayor shall be conducted using a ranked voting method in accordance with the administrative policies and procedures promulgated by the Board.]

**Secs 8-69—8-75. Reserved**

**ARTICLE VII. – CAMPAIGNS**

**Sec. 8-76. Purpose.**

The purpose of this Article VII is to inspire public confidence and trust in Rockville municipal elections by ensuring that campaign activities, including the disclosure of campaign contributions and expenditures are made available for public inspection.

**Sec. 8-77. Applicability.**

The provisions of this Article VII apply to all Rockville municipal elections held in accordance with this Chapter.

**Sec. 8-78. Summary of Article VII and sample forms.**

(a)(1) The Board shall prepare a detailed summary of this Article and provide for distribution of the summary.

(2) When a Rockville nominating petition is filed, the City Clerk/Director of Council Operations shall, on behalf of the Board, provide the candidate with:

(A) a copy of the Board's detailed summary of this Article VII;

(B) a copy of this Article VII; and

(C) a copy of each form the candidate is required to file under this Article VII.

## **DIVISION 1. – CAMPAIGN FINANCE ORGANIZATION AND ACTIVITY**

### **Sec. 8-79. Campaign finance entity required to conduct campaign finance activities.**

(a) Unless otherwise expressly authorized by law, all campaign finance activity for a Rockville municipal election under this Chapter shall be conducted through a campaign finance entity.

(b) An individual may not become a candidate and have their name placed on a ballot for a Rockville elected office until the individual establishes an authorized candidate campaign committee.

### **Sec. 8-80. Campaign committee - establish**

(a) A campaign committee may not receive or disburse money or any other thing of value unless the campaign committee is established in accordance with the requirements of this section.

(b) To establish a campaign committee:

(1) A treasurer and a chairperson shall be appointed on a form that the Board prescribes and that is signed by the treasurer and a chairperson and includes:

(A) the name of the campaign committee;

(B) the residence addresses of the treasurer and a chairperson;

(C) if the treasurer and a chairperson affirmatively consent to receiving notice under this Chapter only by electronic mail, the electronic mail address of the treasurer and a chairperson; and

(D) a statement of purpose which shall specify each candidate or ballot question, if any, that the campaign committee was formed to promote or defeat.

(2) The form shall be filed with the City Clerk/Director of Council Operations, on behalf of the Board.

(c) A campaign committee may not use a name that is intended or operates to deceive people as to the campaign committee's true nature or character. A campaign committee

established by or for a single candidate shall disclose within the campaign committee's name the name of the candidate.

(d) A change in the information reported under this section shall be disclosed in the campaign finance report next filed by the campaign committee.

**Sec. 8-81. Campaign committee – treasurer and chairperson**

(a) Qualifications and eligibility.

(1) Each treasurer shall be a registered voter of Montgomery County;

(2) Each chairperson shall be a registered voter of Montgomery County, and either a resident of the City or have a business address in the City.

(2) A candidate may not act as the treasurer of a campaign committee.

(b) Joint and several liability. Each treasurer and chairperson of a campaign committee are jointly and severally responsible for:

(1) filing all campaign finance reports in full and accurate detail; and

(2) except as otherwise provided in this Chapter, all other actions of the campaign committee.

(c) Control of contributions and expenditures by treasurer.

(1) All assets received by or on behalf of a campaign committee shall be:

(A) delivered to the treasurer; and

(B) maintained by the treasurer for the purposes of the campaign committee.

(2)(A) Assets of a campaign committee may be disbursed only:

(i) if they have passed through the hands of the treasurer; and

(ii) in accordance with the purposes of the campaign committee.

(B) Subject to §8-82(c) below and except as provided in paragraph (C) of this subsection, the treasurer shall approve all disbursements for the campaign committee.

(C)(i) If the treasurer of a campaign committee is temporarily unable to perform the duties of the office, the chairperson of the campaign committee may approve a disbursement on behalf of the campaign committee in the same manner as the treasurer.

(ii) If the chairperson approves a disbursement under this subsection, within 7 days after approving the disbursement, the chairperson shall submit a report to the treasurer for the account book of the campaign committee, including:

- chairperson;
1. a statement of the expenditure approved under the authority of the
  2. the name and address of the person to whom the expenditure was made;
  3. the purpose for which the expenditure was made; and
  4. a copy of the receipt for the expenditure that was made.

(iii) A chairperson who is a candidate may not approve a disbursement for a campaign committee.

(d) Notice. Notice shall be provided to a campaign committee by serving the treasurer and chairperson.

(e) Address change. The chairperson or treasurer of a campaign committee shall notify the Board of a change in the residence address or electronic mail address of the chairperson or treasurer, as applicable, no later than 21 days before the day on which the campaign committee's next campaign finance report is due under Division 3 of this Article.

(f) Resignation and vacancy.

(1) A chairperson or treasurer of a campaign committee may resign by completing a resignation form that the Board prescribes and filing the form with the City Clerk/Director of Council Operations, on behalf of the Board.

(2) If a vacancy occurs in the office of chairperson or the office of treasurer, the campaign committee shall promptly appoint a new chairperson or treasurer in accordance with this Article.

(3) A campaign committee may not receive or disburse money or any other thing of value if there is a vacancy in the office of chairperson or the office of treasurer.

**Sec. 8-82. Campaign account.**

(a)(1) Each campaign committee shall establish and designate one or more campaign accounts in a financial institution.

(2) Each designated campaign account must be registered in a manner that identifies it as the account of a campaign committee.

(3) A campaign committee shall deposit all funds received in a designated campaign account.

(b) Subject to subsection (c) of this Section, a campaign committee may not directly or indirectly make a disbursement except from a campaign account designated under subsection (a) of this Section.

(c) Petty cash fund.

- (1) A campaign committee may maintain a petty cash fund.
- (2) The campaign committee shall maintain a separate account book for the petty cash fund.
- (3) The petty cash fund:
  - (A) may not exceed \$250 at any time; and
  - (B) may be replenished only by check from a campaign account designated under subsection (a) of this section.
- (4) Not more than \$25 may be disbursed from the petty cash fund to a single recipient.
- (5) Each petty cash expenditure shall be supported by a receipt and reported by category on the appropriate campaign finance report.
- (6) This subsection does not authorize an expenditure that otherwise is unlawful under this article.
  - (d) A campaign committee may make a disbursement only by check, debit card, or an electronic method that the Board authorizes by administrative policy or procedure.
  - (e) Each expenditure made from a campaign account shall be supported by a receipt.
  - (f) Within 30 days after filing a campaign finance report with the City Clerk/Director of Council Operations, on behalf of the Board, the treasurer of an authorized candidate campaign committee shall provide both the candidate and the chairperson with a copy of the most recent bank statement for the campaign account.

**Sec. 8-83. Account books and records.**

- (a)(1) The treasurer of a campaign committee shall keep a detailed and accurate account book of all assets received, expenditures made, and obligations incurred by or on behalf of the entity.
  - (2) As to each asset received or expenditure made, the account book shall state:
    - (A) its amount or value;
    - (B) the date of the receipt or expenditure;
    - (C) the name and address of the person from whom the asset was received or to whom the expenditure was made; and
    - (D) a description of the asset received or the purpose for which the expenditure was made, including the check number. Electronic payments must be able to be verified by the date, payee, and the amount of the transaction.

(b) The account books and related records of a campaign committee shall be preserved until 2 years after the campaign committee files a final campaign finance report under Division 3 of this Article.

**Sec. 8-84. Joining a slate.**

(a)(1) To join a slate, a candidate shall file a written notice with the Board.

(2) The notice shall specify:

(A) the name of the slate that the candidate has joined; and

(B) the date on which the candidate joined the slate.

(b) A candidate may join a slate or continue as a member of a slate only if:

(1) the candidate has filed a Rockville nominating petition; or

(2)(A) the candidate is an incumbent officeholder; and

(B) the deadline for filing a Rockville nominating petition for the office the candidate holds has not passed.

**Sec. 8-85. Requirements for out-of-state campaign committees.**

(a) In this section, “out-of-state campaign committee” means a nonfederal campaign committee organized under the law of another state.

(b)(1) An out-of-state campaign committee shall register with the Board on a form that the Board prescribes within 48 hours after directly or indirectly making transfers in a cumulative amount of \$ [REDACTED] or more in an election cycle to one or more campaign finance entities organized under §8-80 of this Division.

(2) The registration form the Board prescribes shall require an out-of-state campaign committee to designate the election year in which the committee is participating.

(c) After registering with the Board, an out-of-state campaign committee shall file reports with the Board for the election year in which the committee is participating on or before each date that a campaign committee of a candidate is required to file a campaign finance report under Division 3 of this Article.

(d) The reports under subsection (c) of this section shall:

(1) disclose all expenditures made in the City by the out-of-state campaign committee:

(A) from the beginning of the election cycle in the case of the first report filed by the out-of-state campaign committee; or

(B) during the applicable reporting period under Division 3 of this Article for each

subsequent report filed by the out-of-state campaign committee;

(2) describe how to access the campaign finance reports filed by the out-of-state campaign committee in the state where the committee is registered and files the reports; and

(3) be filed in the manner and subject to the sanctions provided in this Chapter.

## **DIVISION 2. – CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.**

### **Sec. 8-86. Contribution requirements.**

Except as otherwise provided by law, contributions to campaign committees may be made only in accordance with this Division 2 of this Article.

### **Sec. 8-87. Contribution limits.**

(a) A person may not, either directly or indirectly, in an election cycle make aggregate contributions of money or anything of value in excess of:

(1) \$1,000 to any one campaign finance entity; or

(2) \$            to all campaign finance entities.

(b)(1) In this subsection, “business entity” includes a corporation, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a real estate investment trust, or other entity.

(2) Contributions by two or more business entities shall be considered as being made by one contributor if:

(A) one business entity is a wholly owned subsidiary of another; or

(B) the business entities are owned or controlled by at least 51% of the same individuals or business entities.

(c)(1) The Board will recommend annual increases in the campaign contribution limits set forth in subsection (a) of this Section based on an increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area as published by the United States Department of Labor, Bureau of Labor Statistics or any successor index, for the preceding calendar year.

(2) When the campaign contribution limit is increased after such a recommendation pursuant to this subsection, the contribution limit shall be rounded to the nearest increment of twenty-five dollars (\$25.00).

(d) No candidate shall accept any contribution in excess of twenty-five dollars (\$25.00) in cash unless the contribution is made by check, money order, or other written or electronic instruments.

(e) The limits on contributions in this section do not apply to those contributions defined as transfers.

**Sec. 8-88. Use of personal funds by candidate or candidate's spouse.**

(a)(1) Contributions or loans to an authorized candidate campaign committee from the personal funds of the candidate or the candidate's spouse are not subject to the campaign contribution limits under §8-87 of this Division.

(2) Expenditures from personal funds by the candidate or the candidate's spouse for personal expenses of the candidate for filing fees, telecommunication services, travel, and food are not contributions.

(b) A contribution or loan to an authorized candidate campaign committee by the candidate or the candidate's spouse shall pass through the hands of the treasurer of the entity and be reported in accordance with Division 3 of this Article.

**Sec. 8-89. Loans to campaign committees.**

(a) A loan to a campaign committee is considered a contribution in the amount of the outstanding principal balance of the loan unless:

(1) the loan is from a financial institution;

(2) the loan is to an authorized candidate campaign committee and repayment of the loan is personally guaranteed by the candidate; or

(3) the loan is to a slate and repayment of the loan is personally guaranteed by all member candidates of the slate.

(b)(1) A loan may not be made to an authorized candidate campaign committee or a slate, or accepted on behalf of either entity, without the express written consent of the candidate or candidate members of the slate.

(2) The written consent of the candidate or candidate members of the slate constitutes the personal guarantee of the candidate or candidate members of the slate for repayment of the loan only if the document expressly so provides.

(3) A copy of the candidate's written consent shall be:

(A) furnished to the lender when the loan is made; and

(B) attached to the campaign finance report required of the entity under Division 3 of this Article for the reporting period during which the loan was made.

**Sec. 8-90. Receipt of anonymous contributions.**

If a campaign committee receives a contribution from an anonymous source, the campaign committee:

(A) may not use the contribution for any purpose; and

(B) shall remit the contribution to the City to help defray the expenses for Rockville municipal elections.

**Sec. 8-91. Method of money contribution.**

(a) A contribution of money may be made only by:

- (1) check;
- (2) credit card;
- (3) cash, if the contribution does not exceed \$100 in an election cycle; or

(4) an electronic method that the Board authorizes by administrative policy and procedure.

(b) An electronic method of making a contribution that the Board authorizes under this Section shall ensure that:

- (1) the identity of the person making the contribution may be verified;
- (2) the transaction is secure; and
- (3) there is an adequate record of the transaction.

**Sec. 8-92. Campaign contribution receipts.**

(a)(1) By the next deadline for filing a campaign finance report after receiving a contribution specified in paragraph (2) of this subsection, a treasurer shall issue a campaign contribution receipt on a form that the Board prescribes.

(2) A campaign contribution receipt shall be mailed or delivered to each person who makes one or more contributions in the cumulative amount of **\$51** or more.

(3) At the request of a contributor, a treasurer shall issue a campaign contribution receipt for any other contribution.

(4) A campaign contribution receipt issued under this Section is evidence of the contribution.

(b) The treasurer shall retain a duplicate copy of all campaign contribution receipts and report the information from a campaign contribution receipt in the campaign finance report filed by the treasurer under this Article.

**Sec. 8-93. Right of individual to volunteer.**

This Division 2 of this Article VII does not affect the right of an individual to volunteer

the individual's time or, for transportation incident to an election, personal vehicle.

**Sec. 8-94. City funded entities.**

An entity that at any time during an election cycle derives at least \$50,000 of its operating funds from the City may not make a contribution to any campaign finance entity during that election cycle.

**Sec. 8-95. Transfer limits.**

(a) In this section, a "campaign committee" includes a nonfederal out-of-state campaign committee.

(b) The limits on transfers set forth in subsection (c) of this section do not apply to a transfer:

(1) by the authorized candidate campaign committee of a member of a slate to a slate of which the candidate is a member; and

(2) by one authorized candidate campaign committee to another authorized candidate campaign committee

(c)(1) Subject to paragraph (2) of this subsection, during an election cycle, a campaign finance entity may not directly or indirectly make transfers in a cumulative amount of more than \$1,000 to any one other campaign finance entity.

(2) During an election cycle, a slate may not make transfers directly or indirectly to the authorized candidate campaign committee of any single member of the slate in a cumulative amount of more than \$           .

(d) A transfer is not allowed if it is intended to conceal the source of the funds or the intended recipient.

**Sec. 8-96. Transfers by political action committee to candidate.**

A political action committee that makes a transfer to the campaign committee of a candidate or to a slate shall:

(1) display its official name, as filed with the Board under this Article, in a prominent place on the face of the check by which the funds are transferred; and

(2) include in a prominent place on the face of the check:

(A) the words "political action committee" or the notation "PAC", to indicate that the transferor is a political action committee; or

(B) if the political action committee is organized under Maryland law, the words "Maryland registered political action committee" or the notation "MD registered PAC" to indicate that the transferor is a Maryland political action committee.

## **Sec. 8-97. Coordinated expenditures**

(a)(1) In this section the following words have the meanings indicated.

(2)(A) “Candidate” has the meaning stated in Section 8-4(m) of this Chapter.

(B) For purposes of this section, “candidate” includes a candidate, an authorized candidate campaign committee, a slate, and agents of a candidate, an authorized candidate campaign committee, or a slate.

(3) “Communication” includes social media interactions with a candidate.

(4)(A) “Coordinated expenditure” means a disbursement or an action to cause a disbursement that:

(i) promotes the success or defeat of a candidate or ballot question at a Rockville municipal election; and

(ii) is made in cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, the candidate or ballot committee that is the beneficiary of the disbursement.

(B) “Coordinated expenditure” includes a disbursement for any communication that republishes or disseminates, in whole or in part, a video, a photograph, audio footage, a written graphic, or any other form of campaign material prepared by the candidate or ballot committee that is the beneficiary of the disbursement.

(C) “Coordinated expenditure” does not include a disbursement for any communication that is not a public communication.

(5) “Coordinated spender” means a person that makes a disbursement to promote the success or defeat of a candidate or ballot question at a Rockville municipal election and for which one of the following applies:

(A) during the election cycle, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate or ballot committee that is the beneficiary of the disbursement, including during the time before the individual became a candidate; or

(B) during the election cycle, the person is established, financed, directed, or managed by a member of the immediate family of the candidate who is the beneficiary of the disbursement, or the person or an agent of the person has had substantive discussions about the candidate’s campaign with a member of the immediate family of the candidate who is the beneficiary of the disbursement.

(6) “Disbursement” includes a deposit of money or a gift, a subscription, an advance, or other thing of value.

(7) “Donation” means a gift or transfer, or promise of gift or transfer, of money or other thing of value to a person.

(8) “Immediate family” has the meaning stated in [§ 9004\(e\) of the Internal Revenue Code of 1986](#).

(9)(A) “Person” includes an individual, a partnership, a campaign committee, an association, a corporation, a labor organization, and any other organization or group of persons.

(B) “Person” does not include a campaign committee that exclusively accepts contributions that are subject to the limits under §8-87 of this Division.

(10)(A) “Professional services” means any paid services in support of a political campaign, including advertising, message, strategy, policy, polling, communications development, allocation of campaign resources, fund-raising, and campaign operations.

(B) “Professional services” does not include accounting, legal, print, or mail services.

(11)(A) “Public communication” means a communication by means of any broadcast television or radio communication, cable television communication, satellite television or radio communication, newspaper, magazine, outdoor advertising facility, mass mailing, e-mail blast, text blast, qualifying paid digital communication, or telephone bank to the general public, or any other form of general public political advertising.

(B) “Public communication” does not include:

(i) a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, including any Internet or electronic publication, that is not controlled by a candidate or ballot committee;

(ii) an internal membership communication by a business or other entity to its stockholders or members and executive and administrative personnel and their immediate families, or by a membership entity to its members, executive and administrative personnel and their immediate families; or

(iii) a candidate debate or forum.

(b)(1) A person may not:

(A) make a coordinated expenditure in excess of the limits established under §8-87 of this Division; or

(B) make a donation to a person for the purpose of furthering a coordinated expenditure in excess of the limits under §8-87 of this Division.

(2) A candidate or ballot committee may not, directly or indirectly, be the beneficiary of a coordinated expenditure in excess of the limits under §8-87 of this Division

(c) A person may not be considered to have made a coordinated expenditure solely on the grounds that the person or the person’s agent engaged in discussions or communications with a candidate regarding a position on a legislative or policy matter, provided that there is no communication between the person and the candidate regarding the candidate’s campaign advertising, message, strategy, polling, allocation of campaign resources, fund-raising, or other campaign activities.

(d) A person that makes a disbursement to promote the success or defeat of a candidate or ballot question at a Rockville municipal election is presumed to have made a coordinated expenditure if:

(1) the person is a coordinated spender with respect to the candidate or ballot committee that is the beneficiary of the disbursement;

(2) during the 18-month period preceding the disbursement, the person employs or retains a responsible officer of a campaign committee affiliated with the candidate or ballot committee that is the beneficiary of the disbursement;

(3) during the 18-month period preceding the disbursement, the person employs or retains a strategic political campaign, media, or fund-raising advisor or consultant of the candidate or political party that is the beneficiary of the disbursement; or

(4)(A) during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or a consultant that, during the election cycle, has provided professional services to the candidate or political party that is the beneficiary of the disbursement; and

(B) the vendor, advisor, or consultant has not established a firewall to restrict the sharing of strategic campaign information between individuals who are employed by or who are agents of the person and the candidate or political party that is the beneficiary of the disbursement.

(e) A person may rebut the presumption under subsection (d) of this section by presenting sufficient contrary evidence and obtaining a declaratory ruling from the Board before making a disbursement to promote the success or defeat of a candidate or political party at an election.

(f) The Board may adopt administrative policies and procedures as necessary to implement this Section.

#### **Sec. 8-98. Independent expenditures by individuals.**

Except for a candidate, this Article does not prohibit an individual who acts independently of any other person from:

- (1) expressing personal views on any subject; or
- (2) making an expenditure of personal funds to purchase campaign material.

#### **Sec. 8-99. Prohibited expenditures**

(a) Political endorsement. A campaign finance entity, or a person acting on its behalf, may not at any time, directly or indirectly, pay or incur an obligation to pay, and a person may not, directly or indirectly, receive any money or thing of value, for a political endorsement.

(b) Walk-around services.

(1) A campaign finance entity, or a person acting on its behalf, may not at any time, directly or indirectly, pay or incur an obligation to pay, and a person may not, directly or indirectly, receive any money or thing of value, for walk-around services.

(2) In this subsection, “walk-around services” means the following activities performed for money:

- (A) distributing campaign material;
- (B) communicating a voting preference or choice in any manner;

- (C) stationing a person, including oneself, or an object in the path of a voter; or
- (D) electioneering as described in §8-63 of this chapter.

**Sec. 8-100. Presentation of claims for payment.**

A person who claims that money is due from a campaign committee shall present a claim for payment to the treasurer not later than 30 days after the election for which the liability was incurred.

**Sec. 8-101. Disposal of surplus funds.**

(a) After all campaign expenditures have been made and before filing a final campaign finance report under Division 3 of this Article, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

- (1) the City to help defray the expenses for Rockville municipal elections.
- (2) a nonprofit organization that provides services or funds for the benefit of pupils or teachers; or
- (3) a charitable organization registered or exempt from registration under the Maryland Charitable Solicitations Act.

(b) In the case of continuing campaign committees, surplus funds may be carried forward to be used in the next election cycle provided such funds are reported as carry-forward receipts during the next election cycle.

**DIVISION 3. – REPORTING REQUIREMENTS.**

**Sec. 8-102. Campaign finance report requirements.**

(a)(1) From the date of its organization until its termination under the provisions of this Chapter, a campaign committee shall file a campaign finance report with the City Clerk/Director of Council Operations, on behalf of the Board, at the times and for the periods required by this Division.

- (2) A campaign finance report submitted using an electronic format shall:
  - (A) be made under oath or affirmation;
  - (B) require an electronic signature from the treasurer at the time of the filing of the campaign finance report; and
  - (C) be made subject to the penalties for perjury.

(b) A campaign finance report filed by a campaign committee under subsection (a) of this Section shall include the information required by the Board with respect to all contributions

received and all expenditures made by or on behalf of the campaign committee during the designated reporting period.

(c) A campaign committee shall report the following information on its campaign finance reports for each contribution the committee receives:

(1) the amount of each contribution; and

(2) the name and residential address of each contributor, unless a contributor receives a confidentiality waiver from the Board for a residential address, in which case a suitable alternative address approved by the Board may be used.

(d) A campaign finance report prescribed by this Division for the campaign committee of a candidate is required whether or not:

(1) the candidate files a Rockville nominating petition;

(2) the candidate withdraws or otherwise ceases to be a candidate;

(3) the candidate's name appears on the ballot; or

(4) the candidate is successful in the Rockville municipal election.

### **Sec. 8-103. Campaign finance reporting periods and deadlines.**

(a) Campaign finance reports filed under §8-102 of this Division shall cover the following reporting periods:

(1) *Campaign finance reporting periods for Rockville municipal general elections.*

(A) First campaign finance report.

(i) Subject to subparagraph (ii) below, the first campaign finance report filed by a campaign committee for a Rockville municipal general election shall cover the period from the date the campaign committee was established in accordance with §8-80 of this Article through the next Quarterly CFR Submission Date. The first campaign finance report filed with the Board shall contain all contributions received and expenditures made from the date the campaign committee was established through and including the subsequent Quarterly CFR Submission Date. The deadline for filing the first campaign finance report by a campaign committee shall be 5:00 p.m. on the eighth day of the month following the Quarterly CFR Submission Date.

(ii) The first campaign finance report filed by a continuing campaign committee for a Rockville municipal general election shall cover the period from the date the last campaign finance report was filed by the continuing campaign committee with the Board through January 5 of the year in which the Rockville municipal general election will be conducted. The first campaign finance report filed with the Board shall contain all contributions received and expenditures made from date the last campaign finance report was filed with the Board through January 5 of the year in which the Rockville municipal general election will be conducted. The

deadline for filing the first campaign finance report by a continuing campaign committee shall be 5:00 p.m. on January 8 of the year in which the Rockville municipal general election will be conducted.

(B) Subsequent campaign finance reports.

(i) Following the filing of the first campaign finance report in accordance with subparagraphs (A)(i) or (ii) above, subsequent campaign finance reports filed by campaign committees with the Board shall cover the periods from the sixth day of the month of the previous campaign finance report filing period to the subsequent Quarterly CFR Submission Date. The deadline for filing each subsequent campaign finance report filed under this subparagraph (i) shall be 5:00 p.m. on the eighth day of the month following the Quarterly CFR Submission Date.

(ii) Following submission of the campaign finance report for the period ending October 5 of the year in which the Rockville municipal general election will be conducted, the next campaign finance report filed with the Board shall cover the period from October 6 of the year in which the Rockville municipal general election will be conducted to and including the seventh day preceding the Rockville municipal general election. The deadline for filing this campaign finance report shall be 5:00 p.m. on the fifth day preceding the Rockville municipal general election.

(C) Final campaign finance report.

(i) Before a campaign committee files a final campaign finance report, the entity shall pay all outstanding obligations and dispose of all of its remaining assets in accordance with §8-101 of this Article.

(ii) The final campaign finance report filed by a campaign committee for a Rockville municipal general election shall cover the period from the sixth day preceding the Rockville municipal general election to and including December 31 of the year in which the Rockville municipal general election was conducted. The deadline for filing the final campaign finance report by a campaign committee for a Rockville municipal general election shall be 5:00 p.m. on January 15 of the first year of the new election cycle.

(2) *Campaign finance reporting periods for Rockville municipal special elections.*

(A) First campaign finance report.

(i) Subject to subparagraph (ii) below, the first campaign finance report filed by a campaign committee for a Rockville municipal special election shall cover the period from the date the campaign committee was established in accordance with §8-80 of this Article through and including the 30<sup>th</sup> day preceding the Rockville municipal special election. The deadline for filing this campaign finance report shall be 5:00 p.m. on the 27<sup>th</sup> day preceding the Rockville municipal special election.

(ii) The first campaign finance report filed by a continuing campaign committee for a Rockville municipal special election shall cover the period from the date the last campaign finance report was filed by the continuing campaign committee with the Board in accordance with

§8-103(a)(3) below through and including the 30<sup>th</sup> day preceding the Rockville municipal special election. The deadline for filing this campaign finance report shall be 5:00 p.m. on the 27<sup>th</sup> day preceding the Rockville municipal special election.

(B) Subsequent campaign finance report.

Following the filing of the first campaign finance report for a Rockville municipal special election in accordance with subparagraphs (A)(i) or (ii) above, a subsequent campaign finance report must be filed by campaign committees with the Board which shall cover the period from the 29<sup>th</sup> day preceding the Rockville municipal special election to and including seventh day preceding the Rockville municipal special election. The deadline for filing this campaign finance report shall be 5:00 p.m. on the fifth day preceding the Rockville municipal special election.

(C) Final campaign finance report.

(i) Before a campaign committee files a final campaign finance report, the entity shall pay all outstanding obligations and dispose of all of its remaining assets in accordance with §8-101 of this Article.

(ii) The final campaign finance report filed by a campaign committee for a Rockville municipal special election shall cover the period from the sixth day preceding the Rockville municipal general election to and including the 30<sup>th</sup> day following the date of the Rockville municipal special election. The deadline for filing the final campaign finance report by a campaign committee for a Rockville municipal special election shall be 5:00 p.m. on the 33<sup>rd</sup> day following the date of the Rockville municipal special election.

(b) Campaign finance reporting periods for continuing campaign committees.

Continuing campaign committees shall be required to file campaign finance reports in accordance with the administrative policies and procedures promulgated by the Board.

**Sec. 8-104. Forms for campaign finance reports.**

The Board shall prescribe the forms for the campaign finance reports and other documents required by this Article.

**Sec. 8-105. Notice to campaign committees of reporting requirements.**

(a)(1) In accordance with paragraph (2) of this subsection, the Board shall notify each campaign committee that is required under this Division to file campaign finance reports of each campaign finance report required to be filed by that entity.

(2) The notice shall be provided:

(A) at least 10 but not more than 20 days before the filing date for each campaign finance report; and

(B) by first-class mail, unless the responsible officers of a campaign committee affirmatively consent to receiving the notice only by electronic mail.

(b) The notice required under subsection (a) of this Section shall include:

- (1) the filing date;
- (2) the telephone number, business hours, and location of the City Clerk / Director of Council Operations; and
- (3) the penalty for failure to file a timely campaign finance report.

**Sec. 8-106. Failure to file campaign finance report or affidavit.**

(a) A campaign committee that fails to file a campaign finance report, an affidavit, or an amended campaign finance report required by this Division is subject to the sanctions provided in Article VIII of this Chapter.

(b) If a campaign committee fails to provide on a campaign finance report required by §8-102 of this Division all of the information required of the campaign committee by the Board under this Division:

- (1) the Board shall notify the responsible officers in writing of the particular deficiencies; and
- (2) the responsible officers shall file an amended campaign finance report that includes all of the information required within 30 days after service of the notice.

**Sec. 8-107. Late filing fees.**

(a) In accordance with subsection (b) of this Section, the Board shall assess late filing fees for a failure to file a campaign finance report, an affidavit, or an amended campaign finance report, as specified in §8-106 above.

(b)(1) The Board shall assess the fees in the following amounts for each day or part of a day that a campaign finance report, an affidavit, or an amended campaign finance report is overdue:

- (A) \$20 for each of the first 7 days;
- (B) \$35 for each of the following 7 days; and
- (C) \$50 for each day thereafter.

(2) The maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report is \$1,000.

(c)(1) The Board shall accept an overdue campaign finance report, affidavit, or amended campaign finance report that is submitted without payment of the late filing fee, but the campaign

finance report, affidavit, or amended campaign finance report is not considered filed until the fee has been paid.

(2) After an overdue campaign finance report, affidavit, or amended campaign finance report is received under paragraph (1) of this subsection no further late filing fee shall be incurred.

(d)(1) Subject to paragraph (2) of this subsection, a late filing fee shall be paid by the campaign committee.

(2) If the campaign committee has insufficient funds with which to pay a late filing fee in a timely manner, the late filing fee is the joint and several liability of the responsible officers.

**Sec. 8-108. Disqualification of individual from candidacy or treasurer position.**

(a) An individual may not become a candidate for a Rockville elected office or become a treasurer for a campaign committee if, as to any campaign finance report due under §8-102 of this Division from, or on behalf of, that individual during the preceding five calendar years:

- (1) there exists a failure to file as specified in §8-106 of this Division; or
- (2) the individual has failed to pay a late filing fee that is due.

**Sec. 8-109. Disqualification of individual from assuming elected office.**

(a) An individual who, within the meaning of §8-106 of this Division, has failed to file a campaign finance report that is due from, or on behalf of, that individual may not, until the individual corrects the failure to file or pay the penalty:

- (1) be deemed to be elected to a Rockville elected office;
- (2) take the oath or otherwise assume the duties of a Rockville elected office; or
- (3) receive any salary or compensation for a Rockville elected office.

**Sec. 8-110. Relief from sanctions for failure to file report.**

(a) A sanction may not be imposed for failure to file a campaign finance report or to pay a late filing fee if a court of competent jurisdiction finds just cause for the failure.

(b)(1) On request of a responsible officer subject to the assessment of a late filing fee, the Board may waive the late filing fee for just cause.

(2) The decision of the Board on a waiver request shall be in writing and state the circumstances surrounding the late filing and the reasons for the decision.

**Sec. 8-111. Distribution of late fees.**

Fees for late filing of campaign finance reports, affidavits, or amended campaign finance reports imposed under §8-107 of this Division shall be distributed to the City to help defray the

expenses for Rockville municipal elections.

**Sec. 8-112. Retention of campaign finance reports.**

(a)(1) The Board shall receive and preserve all campaign finance reports that are required to be filed with it under this Division.

(2) Subject to paragraph (3) of this subsection, the campaign finance reports received by the Board shall be kept as part of its records for:

(A) a period not to exceed 5 years after the campaign finance report is filed; or

(B) a longer period if required by a court of competent jurisdiction or the Board by regulation.

(3)(A) Notwithstanding paragraph (2) of this subsection, if the campaign finance report is that of a campaign committee of a candidate, the Board shall keep the campaign finance report as a part of its records for at least 1 year after the expiration of the term of the Rockville elected office for which the candidate sought election.

(B) Subparagraph (A) of this paragraph applies whether or not:

(i) the candidate is elected or completes the term of office; and

(ii) the campaign finance report relates to more than one candidate.

(b) Campaign finance reports shall be open for public inspection during the regular office hours of the City Clerk/Director of Council Operations.

**DIVISION 4. – CAMPAIGN MATERIALS.**

**Sec. 8-113. Authority line required in campaign materials.**

(a)(1) Except as otherwise provided in this Section, each item of campaign material shall contain, set apart from any other message, an authority line that states:

(A) as to campaign material published, distributed, or disseminated by a campaign finance entity:

(i) the name and address of the treasurer of each campaign finance entity responsible for the campaign material; and

(ii) as to each treasurer named under item (i) of this item, the name of each campaign finance entity for which the treasurer is acting; and

(B) as to campaign material published, distributed, or disseminated by any other person, the name and address of the person responsible for the campaign material.

(2) The authority line may omit an address that is on file with the Board.

(3) If the campaign material is too small to include all the information specified in paragraph (1) of this subsection in a legible manner, the authority line need only contain the information required by administrative policies and procedures adopted by the Board.

(4) The authority line for campaign material that is a commercial advertisement need only contain the information specified in paragraphs (1) and (2) of this subsection for one campaign finance entity or other person responsible for the advertisement.

(b) Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, shall include the following statement:

*“This message has been authorized and paid for by (name of payor or any organization affiliated with the payor), (name and title of treasurer or president). This message has not been authorized or approved by any candidate.”*

**Sec. 8-114. Retention of campaign materials.**

(a)(1) Subject to paragraph (2) of this subsection, each campaign finance entity that is responsible for, publisher of, and distributor of, an item of campaign material shall keep a sample copy of the item for at least 1 year after the Rockville municipal election next following the date when the item was published or distributed.

(2) For each item of campaign material disseminated through the Internet, the sample copy shall be:

(A) a paper facsimile; or

(B) a copy on an electronic medium that can be produced as a paper facsimile on request.

(b) Subsection (a) of this section does not apply to a billboard or a sign.

**Sec. 8-115. Campaign material transmitted through electronic media.**

(a) In this section, “electronic media” means any electronic medium, except television or radio, that may be used to transmit campaign material.

(b) The Board shall adopt administrative policies and procedures governing the application of §§8-113 and §8-114 of this Division to campaign material transmitted through electronic media.

**Sec. 8-116. Reserved.**

**DIVISION 5. – PUBLIC FINANCING OF ROCKVILLE MUNICIPAL ELECTIONS**

**Sec. 8-117. Public Financing of Rockville Municipal Elections.**

[In accordance with future amendments to the Charter, this Chapter, and the administrative policies and procedures promulgated by the Board, beginning in the year 2031,

the City will provide public financing to candidates running for elected office in for Rockville municipal elections. |

**Secs 8-118—8-135. Reserved**

**ARTICLE VIII. – VIOLATIONS; ADMINISTRATIVE HEARINGS**

**Sec. 8-136. Misdemeanor.**

(a) Misdemeanors generally. Any person who casts a mail-in or provisional ballot in violation of this Chapter is guilty of a misdemeanor, and upon conviction is subject to a fine of up to \$1,000 or imprisonment for up to six months, or both, at the discretion of the court. Penalties under this provision are in addition to any penalties for violation of applicable State law.

(b) Referral for prosecution. If the Board has reason to believe that a person has cast a mail-in or provisional ballot in violation of this Chapter, the Board may refer the matter to the State’s Attorney’s Office.

**Sec. 8-137. Administrative violation.**

(a) Administrative violations. A person who violates any provision of this Chapter other than those listed in Section 8-136(a) is guilty of an administrative violation.

(b) Notice of Violation.

(1) If the Board has reason to believe that a person has violated any provision of this Chapter other than those listed in Section 8-136(a), the Board must issue the person a notice of violation in accordance with this Section.

(2) A notice of violation issued under Section 8-137(b)(1) must include the following information:

(A) The nature of the violation;

(B) The specific relief sought, including cessation or remediation of the violation and payment of administrative fines pursuant to Section 8-137(c);

(C) An order that the responsible person must provide the relief sought, including payment of any fines, within 30 days of the notice of violation or by such other date as established by the Board; and

(D) The manner in which the responsible person may request an administrative hearing to contest the notice of violation pursuant to Section 8-138.

(3) Upon a showing of good cause, the Board may amend a notice of violation to, among other things, grant additional time in which to abate the violation or otherwise provide the relief sought.

(c) Fines. Subject to Mayor and Council approval, the Board shall, by resolution, adopt a schedule of administrative fines for violations of various provisions of this Chapter. No fine may exceed \$5,000.00 per violation.

**Sec. 8-138. Administrative hearing.**

(a) Request for hearing.

(1) Any person subject to a notice of violation issued under Section 8-137 may request an administrative hearing to contest the alleged violation.

(2) A request for an administrative hearing on a notice of violation must be made within 30 days of the date printed on the notice of violation.

(3) A request for an administrative hearing must be made to the City Clerk/Director of Council Operations, who must promptly refer any request for an administrative hearing under this Section to the Board and to the City Attorney.

(4) A timely-filed request for an administrative hearing shall toll the order of the Board until the final decision of the Board pursuant to Section 8-138(e).

(b) Hearing officer.

(1) Upon receipt of a valid request for an administrative hearing under this Section, the City Attorney must arrange for an independent hearing officer to hold an administrative hearing on the alleged violation as soon as practicable.

(2) The hearing officer must not be an employee of the City and must have sufficient training and knowledge to be qualified to hear testimony, weigh evidence, and afford due process to all parties in an impartial and unbiased manner.

(c) Notice of hearing.

(1) The City Clerk/Director of Council Operations must issue an administrative notice of a pending administrative hearing at least 30 days before the hearing to the Board, the City Attorney, and the person requesting the hearing.

(2) The City Clerk must issue the administrative notice to the person requesting the hearing by certified mail.

(3) The notice of hearing must contain a statement advising the recipient of the date, time, and location of the hearing.

(d) Hearing and report.

(1) The hearing officer shall conduct a full, fair, and impartial hearing on the alleged violation pursuant to rules of procedure adopted by the City Attorney.

(2) Following the hearing, the hearing officer must submit a report and recommendation to the Board on the alleged violation no later than 30 days after the hearing record closes.

(3) The hearing officer may extend the time to file the report by notifying all parties.

(e) Final decision and order.

(1) After consulting the hearing officer's report and recommendation, the Board must render a final decision and order on the violation. The Board's decision and order is the final agency action for all purposes.

(2) The Board's final decision and order must be in writing and mailed by certified mail to the responsible party and any other parties of record.

(f) Appeal.

(1) After receiving the Board's final decision and order, an aggrieved person may seek judicial review of the decision and order in the Circuit Court under the applicable Maryland Rules of Procedure governing judicial review of administrative decisions.

(2) A timely-filed petition for judicial review shall toll the final decision and order of the Board until the matter is fully adjudicated.

**Sec. 8-139. Municipal infraction.** The following persons are guilty of a municipal infraction pursuant to Section 1-9 of the City Code:

(a) Any person who fails to comply with an order in a notice of violation pursuant to Section 8137(b) and fails to timely request an administrative hearing pursuant to Section 8-138(a);

(b) Any person who fails to comply with a final decision and order issued under Section 8-138(e) and fails to timely seek judicial review of the decision and order pursuant to Section 8138(f).

**Sec. 8-140. Ineligibility from holding office.**

Any person who is convicted of a misdemeanor under Section 8-136 shall automatically be ineligible for any elected or appointed public office in the City for a period of eight years from and after the time of the commission of the offense.

\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of \_\_\_\_\_, 2026.

---

Sara Taylor-Ferrell,  
City Clerk/Director of Council Operations