

III. Candidate Information

City Council Composition, Selection and Term

The Council is composed of ten (10) members and the Mayor. All are elected to a four-year term. Candidates must be registered to vote in Prince George's County, Maryland or on the Hyattsville City Only Voter Registry. Candidates for the Office of Council Member must reside in the Ward for which they are running. Candidates must be a minimum of eighteen (18) years of age upon the day of election. Candidates for the Office of Mayor may reside in any of the City's five (5) Wards. Valid identification is required.

Filing for Candidacy

Any qualified resident of the City who desires to be a candidate for the Office of Council Member must file an application **on or before 5:00 p.m., Friday March 31, 2017**, in the Office of the City Clerk, 4310 Gallatin Street (third floor), Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., or by appointment. To schedule an appointment, please call Elections Coordinator Nicola Konigkramer at (301) 985-5001 or contact the Board of Supervisors of Elections at electionboard@hyattsville.org. The application must include the *Candidate Registration Form*, the *Certificate of Candidate Qualifications*, the *Financial Disclosure Statement*, and the *Appointment and Acceptance of Treasurer Forms*.

Voter Registration Lists

State Voter lists and labels can be obtained from the Board of Elections, Prince George's County, phone number (301) 341-7300. County staff strongly urges that you do this in person. Their required form entitled *Application for Electronically Reproduced List of Registered Voters* is included in the *Candidate Packet*, and is also available in the City Clerk's Office or on the Prince George's County's website: <http://www.princegeorgescountymd.gov/sites/elections/Pages/default.aspx> under *Services*. There is a \$30.00 fee. The cost is set by the County and checks are made payable to Prince George's County, Maryland.

The *City-Only Voter List* can be obtained from the Office of the City Clerk, by phone at (301) 985-5009, or by email to cityclerk@hyattsville.com.

Campaign Signs

Campaign signs may be placed on private property with the permission of the owner.

Campaign signs may not be placed on any property owned by a government entity. Signs may not be placed in the public rights-of-way; signs may not be placed on/in medians, utility poles, or parks.

Candidates and political committees are responsible for all campaign signs that include reference to their campaign.

Campaign Material

Please read this section carefully. If you have any questions contact the Elections Coordinator immediately to have them addressed by the Board of Supervisors of Elections.

Campaign material means any material that:

1. Contains text, graphics, or other images;
2. Relates to a candidate, a prospective candidate, or the approval or rejection of a question;
3. Is published or distributed to anyone by, at the request of, or under the authority of, a candidate or a political committee.

Authority Line Requirement on Campaign Material

Each item of Campaign Material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, campaign manager, or political committee responsible for the publication or distribution of the material.

The authority line need state only the **Name** and **Title** of the responsible person if:

1. The name and address of the responsible person has been filed with the City Clerk, **OR**
2. The campaign material item is too small to include all the information specified above in a legible form.
3. Any material that is published or distributed in support of or in opposition to a candidate or referendum question without being directly or indirectly authorized by the candidate or political committee as provided above may and ordinarily should include the following statement:

“This Message has been authorized and paid for by (name of payer or any organization affiliated with the payer)” or “This Message has not been authorized or approved by any candidate/political committee”.

4. It shall be unlawful for any person to **knowingly** publish or distribute for the purpose of influencing votes any materials with a false or incorrect authority line. Any person who violates this section shall be guilty of a misdemeanor and subject to penalties including a fine of up to five hundred dollars (\$500.00) and/or imprisonment not to exceed thirty (30) days.

Campaign Finance Requirements

Please read this section carefully. If you have any questions contact the Elections Coordinator immediately to have them addressed by the Board of Supervisors of Elections.

Campaign Financial Reports Required

- A. Each candidate for the Office of City Council must file a *Financial Disclosure Statement* with their application for candidacy in order to be a certificated candidate for election.
- B. Each candidate for the Office of City Council, or political committee and their designated

campaign treasurer shall file with the City Clerk reports as specified below which shall list individually each contribution and expenditure in furtherance of the candidate's nomination and election. The report shall also include a total amount of all contributions and expenditures.

- C. Unless otherwise provided, any report as described above shall include contributions received or expenditures made by the candidate, political committee or made by any other person with the knowledge of the candidate/political committee or the candidate/political committee's treasurer. Reportable contributions and expenditures shall include; cash, campaign signs, brochures, postage, advertisements, professional services (i.e. the entity or person is or has been compensated for similar services regularly on a full or part-time basis outside the campaign) and any other material used for the campaign.
- D. All reports filed shall be available for examination by any member of the public during normal office hours of the City Clerk (8:30 a.m. to 5:00 p.m. – Monday through Friday, except for holidays). Filed reports will be posted on the City's website.

Deadline for Filing Reports

- A. **Financial Disclosure Statement** – Due at the time of filing for candidacy or no later than Friday March 31, 2017 at 5:00 p.m.
- B. **Initial Report** – An initial report shall be filed on the 5th day preceding the first advance voting day and shall include reportable contributions and expenditures made since the last preceding election.
- C. **Second Report** – A second report shall be filed on the 7th day preceding the Election Day and shall include reportable contributions and expenditures made to date.
- D. **Third Report** – A third report shall be filed on the 7th day following the election and shall include reportable contributions and expenditures made to date.
- E. **Further Reports** - If a final report reflects a cash balance, unpaid bills or a deficit greater than five hundred dollars (\$500.00), an annual report shall be filed each year on or before December 31, until the cash balance, unpaid bill(s) or deficit is eliminated and a report reflecting such is filed with the City Clerk's Office. Each report filed shall include all contributions and expenditures made or received since the previous report.
- F. Reports must be filed by at the office of the City Clerk by **5:00 p.m.** of the day they are due.
- G. The Board shall appoint an individual or individuals with some expertise in reading financial statements to promptly review all reports filed. This person shall notify the Board of any irregularities, discrepancies, or errors; recommend action to the Board; and attempt to assist the persons reporting to correct any deficiencies.

Campaign Finance Forms and Affirmation of Report

The reports shall be made on forms or in a format provided by the City Clerk and approved by the City Attorney. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer.

Special Reporting Requirements

- A. **Family Contributions** - A report need not identify separately the campaign contributions made by the candidate or the candidate's spouse or domestic partner but may aggregate such under one line or total.
- B. **Separate campaign account** – when the contributions received by a candidate or political committee exceed a total of two hundred dollars (\$200.00), all funds must be deposited in an account opened with a financial institution and designated with the City of Hyattsville as the candidate's or political committee's campaign account. Such funds must not be commingled with any other funds or accounts.

Restrictions on Campaign Contributions

- A. Maximum contribution – the maximum contribution per contributor for any one candidate or committee shall be no more than a total five hundred dollars (\$500.00) for any City election.
- B. No candidate or political committee may accept any contribution from an anonymous contributor or a foreign national as defined in Hyattsville Code Chapter 8 Elections – Article II Campaign Finance Section 8-21 C. Restrictions on Campaign Contributions.
- C. No candidate or committee may accept a direct contribution from a corporation, business or legal entity.

Restrictions on Use of Campaign Funds

- A. No cash withdrawals shall be allowed.
- B. Campaign funds shall not be used to pay a fine for violation of any of the above provisions.
- C. No person other than a candidate, treasurer, political committee, or other agent with specific written authorization by the candidate or political committee, shall make an expenditure from the campaign account.
- D. Disposition of surplus funds – after an election, surplus funds shall not be converted to personal use. A candidate or political committee may retain surplus funds or, if not retained, surplus funds shall be disposed as defined in Hyattsville Code Chapter 8 Elections – Article II Campaign Finance – Section 8-22 D.

Appointment of Campaign Treasurer

- A. Each candidate or political committee shall appoint one campaign treasurer and shall file the name, address and contact information of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, on the *Appointment and Acceptance of Treasurer Forms* provided by and returned to the Elections Coordinator, by March 31, 2017.
- B. A candidate may serve as the treasurer for his/her own campaign so long as the candidate has not received and does not intend to receive a total of reportable contributions of more than fifteen hundred dollars (\$1,500.00), excluding contributions by the candidate or the candidate's spouse/domestic partner.
- C. In the event the contributions exceed the amount in subsection (B) immediately above, the candidate must report such to the Elections Coordinator, and appoint a treasurer and file the appropriate forms within two (2) days.
- D. In the event of the resignation of an appointed treasurer, the candidate or political committee

must immediately inform the Board and shall within seventy two (72) hours, appoint a new treasurer and so inform the Board in writing.

Failure to Appoint a Treasurer or File Reports

- A. The Board of Supervisors of Elections or the Elections Coordinator shall promptly send a written notice to any candidate or committee who fails to appoint a treasurer or to file timely campaign finance reports. Such notice shall be posted on the City's website and in the lobby of the City Municipal Building.
- B. The Board of Supervisors of Elections is responsible for ensuring that all forms and campaign finance reports are in substantial compliance with this chapter. If the Board identifies a reporting inaccuracy or deficiency, it shall notify the candidate and candidate's treasurer in writing. A corrected report shall be filed within seven (7) days of such notice, unless the Board waives such inaccuracy or deficiency for good cause, with or without a hearing.
- C. Failure to file a corrected report within seven (7) days after a notice from the Board or the Clerk is sent shall render the report overdue.

Penalties

- A. The City's Ethics Commission shall have non-exclusive jurisdiction to investigate and decide any violations of Hyattsville Code Chapter 8 Elections – Article II Campaign Finance. The City Administrator shall monitor and make appropriate recommendations to the Board and the Ethics Commission in the event of duplicative hearings.
- B. The penalties recited in this section are cumulative so that the imposition of one or more of the penalties does not preclude the imposition of any other penalty outlined in this section.
- C. A candidate shall not be seated and sworn as an elected official and shall not receive a salary until all reports required by this chapter are filed in compliance with the requirements of this chapter as well as reports required by the City's Ethics Ordinance.
- D. In addition to other penalties or sanctions, the City Council may, after notice and/or hearing, impose such censure or penalty on the person elected who has violated this article that the Council deems reasonable and appropriate, including a refusal to seat the individual, removal from office, and a declaration that the seat is vacant.
- E. It shall be a misdemeanor for any person, including a treasurer or candidate for public office, to willfully violate or cause or allow a violation of Hyattsville Code Chapter 8 Elections – Article II Campaign Finance. Upon conviction, a fine of up to one thousand dollars (\$1,000.00) may be imposed by the Court.
- F. The Board may impose a fine of two hundred dollars (\$200.00) on any unsuccessful candidate and the candidate's treasurer if the final report as described above is more than seven (7) days late. The Board shall have the power to waive or reduce the penalty for good cause with or without a hearing.

- G. The Board may at its discretion choose not to qualify as a candidate any individual who in any previous campaign as a candidate has not filed all required reports. The Board shall not qualify as a candidate anyone who has consistently failed to observe any required procedures regarding election in previous campaigns. The Board shall have discretion to consider any mitigating circumstances in any ruling on a candidacy. Appeals to Board action shall be available pursuant C-4-7 of the Chapter.