



CAMPAIGN FINANCE REQUIREMENTS

IV. Campaign Finance Requirements

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

Campaign Finance Reports Required

- A. Each candidate for the Office of Mayor or City Council Member 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 Mayor or City Council Member 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 or candidate's treasurer. Reportable contributions and expenditures shall include: cash, campaign signs, brochures, postage, advertisements, in-kind contributions 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, no later than Friday, March 29, 2019 at 5:00 p.m.
- B. **Initial Report** – An initial report shall be filed on the twenty-first (21st) day preceding Election Day.
- C. **Second Report** – A second report shall be filed on the seventh (7th) day preceding Election Day.
- D. **Annual Report** – An annual report shall be filed on or before the first (1st) Tuesday in September of each year until the cash balance, unpaid bill(s) or deficit is eliminated and a final annual report reflecting the disposition of funds is filed with the Office of the City Clerk per Hyattsville City Code, Chapter 8 Section 8-32.
- E. Reports must be filed with the Office of the City Clerk by **1:00 p.m.** of the day they are due.
- F. The City Clerk shall promptly send a written notice to any candidate and the candidate's treasurer who fails to timely file a campaign finance report. Such notice shall also be posted on the City's website and on the City's bulletin board.

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 exceed a total of one thousand dollars (\$1,000.00), all funds must be deposited in an account opened with a financial institution and designated with the City of Hyattsville as the candidate's 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 shall be no more than a total five hundred dollars (\$500.00) for any City election.
- B. No candidate may accept any contribution from an anonymous contributor or a foreign national as defined in Hyattsville Code, Chapter 8 Elections.
- C. No candidate may accept a direct contribution from a corporation, business or legal entity.

Restrictions on Use of Campaign Funds

- 1. Personal use of campaign funds is prohibited. No candidate may use campaign funds for any personal use, which is an obligation or expense of any person that would exist irrespective of the campaign of a candidate. Personal use includes, but is not limited to:
 - a. Household food items or supplies;
 - b. Clothing, other than items of de minimis value that are used in the campaign (examples of de minimis campaign clothing include, but are not limited to, campaign logo "t-shirts" and caps with campaign slogans);
 - c. Mortgage or rent payments for the personal residence or property of a candidate or the candidate's family;
 - d. Vacations;
 - e. Tickets or admission to entertainment, such as a concert or theater performance; and
 - f. Salary payments to a member of the candidate's family.
- 2. Campaign funds may not be utilized in any election other than one held by the City.
- 3. Cash withdrawals are prohibited.

4. Campaign Funds shall not be used to pay a fine or violation of Hyattsville City Code, Chapter 8 Elections.
5. No person other than a candidate, treasurer, or other agent with specific written authorization by the candidate shall make an expenditure from any campaign account.

Appointment of Campaign Treasurer

- A. Each candidate 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 Clerk's Office, by March 29, 2019.
- B. A candidate may serve as the treasurer for their own campaign so long as the candidate has not received and does not intend to receive a total of reportable contributions of more than one thousand (\$1,000.00), 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 Office of the City Clerk 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 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 City Clerk shall promptly send a written notice to any candidate 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 Hyattsville City Code, Chapter 8 Elections. If the Board or their designee discover a reporting inaccuracy or other deficiency in a report filed pursuant to Article VII Campaign Finance, it shall notify in writing the candidate and the treasurer of the candidate, if any, and a corrected report shall be filed by the treasurer within:
 - a. Forty-eight (48) hours after the City Clerk sends notice if the report is to be corrected was filed pursuant to Section 8-27(A); or
 - b. Seven (7) days after the City Clerk sends notice if the report is to be corrected is an annual report required to be filed pursuant to Section 8-27(A).
- C. Failure to file a corrected report within applicable time shall render the report overdue and may result in the penalties below.

Penalties

- A. Any person who commits any violation set forth in Subsection (B) of § 8-36 of Article IX, or knowingly aids or abets another in committing such a violation, shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than one thousand dollars (\$1000.00), imprisonment of not more than six (6) months, or both, at the discretion of the Court.
- B. The Board may impose a fine of up to five hundred dollars (\$500.00) on any person who fails to:
 - 1. Include an authority line on campaign materials, if required, that is in substantial compliance with the requirements set forth in § 8 22 of this Chapter;
 - 2. Timely appoint a treasurer and file the correct forms as required by § 8-24 of this Chapter;
 - 3. Promptly establish, and properly maintain, a campaign account as required by § 8 30 of this Chapter; or
 - 4. Comply with an order of the Board.
- C. The Board or its designee may impose a fine of up to five hundred dollars (\$500.00) on any candidate and/or any treasurer of a candidate if any report or affidavit required by Article VII is not timely filed.
- D. The Board or its designee may impose a fine of up to one hundred dollars (\$100.00) for any violation of this Chapter, including the prohibited conduct set forth in § 8 36 of this Article, except that a person may not be fined under this Subsection if a fine or penalty is imposed under Subsections (A), (B), or (C) of this Section.
- E. After notification of a violation and for each day the violation continues, the Board may impose additional fines up to the amounts indicated in Subsections (B), (C), and (D) of this Section, respectively, if an infraction set forth in those Subsections is not abated within a reasonable time.
- F. The Board may impose a fine of up to two hundred dollars (\$200.00) on any person that fails to appear at a hearing after receiving a summons from the Board.
- G. In addition to any other fine, penalty, or sanctions, the City Council may, after notice and a hearing, impose such censure or penalty on any person elected who has violated Article VII of this Chapter 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.