

CITY OF HYATTSVILLE

ORDINANCE 2018-06

An ordinance whereby the City Council repeals and replaces, in its entirety, Chapter 8 of the Hyattsville Code to update, reorganize, and refine Chapter 8 to improve its overall clarity and better define the City’s election policies and procedures.

WHEREAS, Maryland Annotated Code, The Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort, and convenience of their citizens; and

WHEREAS, after the 2017 City election, the Mayor and City Council recognized that the City’s election laws needed updating; and

WHEREAS, the Mayor and City Council deem it in the best interest of its citizens to update and clarify the elections Chapter to ensure that residents, City officials, and election participants alike can understand their rights, responsibilities, and obligations in City elections rules, to facilitate efficient and fair elections.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 8 of the Hyattsville Code is hereby **REPEALED** in its entirety, and it is hereby **REPLACED** as follows:

**Chapter 8
ELECTIONS
ARTICLE I
General Provisions**

- § 8-1 Definitions.
- § 8-2 Powers and Duties of the Board of Supervisors of Elections.

**ARTICLE II
General Election Procedures**

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- § 8-4 Early Voting.
- § 8-5. Special Elections.
- § 8-6. Applications for Candidacy; Certification of Candidates; Withdrawal.
- § 8-7. Qualifications for Election Judges; Oath of Office.

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- 31 § 8-24. Appointment of a Treasurer.
32 § 8-25. Duties and Authority of a Campaign Treasurer.
33 § 8-26. Reports Required.
34 § 8-27. Filing Reports.
35 § 8-28. Form and Contents of Reports.
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37 § 8-30. Campaign Accounts.

- 1 § 8-31. Restrictions on Campaign Contributions.
2 § 8-32. Restrictions on the Use of Campaign Funds.
3 § 8-33. Investigation of Campaign Finance Violations.
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5 **ARTICLE VIII**

6 **Complaints**

- 7 § 8-34. Scope of Duty and Authority.
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9 **ARTICLE IX**

10 **Enforcement, Prohibited Conduct, Penalties, and Appeals**

- 11 § 8-35. Enforcement.
12 § 8-36. Prohibited Conduct.
13 § 8-37. Penalties.
14 § 8-38. Appeals.
15

16 [HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 8-7C amended at time of adoption of Code;
17 see Ch. 1, amended 02-20-07 by HO-2007-03 General Provisions, Art. I. Other amendments noted where applicable.]

18 **GENERAL REFERENCES**

- 19 Registration, nominations and elections - See Charter, Art. IV.
20 Administration of government - See Ch. 4.
21 Code of Ethics - See Ch. 10.
22 Peace and good order - See Ch. 87.

23 **ARTICLE I**

24 **General Provisions**

25 **§ 8-1. Definitions.**

26 As used in this chapter, the following terms have the meanings indicated:

27 **Board**: Board of Supervisors of Elections for the City.

28 **Campaign funds**: Money that is contributed or loaned to a candidate.

29 **Campaign material**: Any material that: (1) contains text, graphics, or other images; (2) relates
30 to a candidate, a prospective candidate, or the approval or rejection of a question; and (3) is
31 published or distributed to anyone by, at the request of, or under the authority of, a candidate.

32 **Candidate**: Individual who seeks nomination for election, or seeks election, to City office.

33 **Contribution**: A donation, grant, or gift, or a promise to make a donation, grant, or gift, whether
34 money or in-kind, to any candidate or representative, with exception to certain loans as set
35 forth in this Chapter.

- 1 **Contributor:** Any person who makes a contribution.
- 2 **Corporation:** Any organization or entity that is formed or organized under the laws of
3 Maryland, the United States, or any other state or foreign government.
- 4 **Domestic Partner:** Means an individual who is in a “domestic partnership” with another person
5 that meets the requirements set forth in Maryland Code, § 6-101 of the Health--General Article,
6 which may be amended from time to time.
- 7 **Early voting day:** A day close to, but in advance of, Election Day on which the City Council
8 has authorized the polls to be open to qualified voters (referred to in the Charter, § C4-9 as
9 “advance voting day”).
- 10 **Election:** General or special elections, referenda, or other questions at any election held by the
11 City.
- 12 **Election Day:** The day on which voting for the offices of Mayor and Council and any other
13 included referenda is regularly scheduled to occur as set forth by the City Charter and § 8-3 of
14 this Chapter, which does not include special elections or early voting days.
- 15 **Expenditure:** Any transfer, disbursement, or promise of money or valuable thing, to include
16 in-kind expenditures, by a candidate, treasurer, or other agent of a candidate to promote or
17 assist in the promotion of the success or defeat of a candidate or proposition submitted to a
18 vote at any election.
- 19 **Financial institution:** Any bank licensed to receive deposits and make loans which is insured
20 by the Federal Deposit Insurance Corporation or a credit union insured by the National Credit
21 Union Insurance Fund.
- 22 **In-kind contribution:** The fair market value, which shall be the usual and normal charge of
23 anything of value other than direct contributions of money including goods, or services for
24 which the contributor normally charges, and payments made on behalf of a candidate, except
25 that volunteering the contributor’s own time or use of a personal vehicle to a campaign shall
26 not constitute an in-kind contribution.
- 27 **Political committee:** Any combination of two (2) or more persons formed in any manner, which
28 independently collects or expends a cumulative amount of one hundred dollars (\$100.00) or
29 more to assist in the promotion of the success or defeat of any candidate or slate of candidates
30 for City elective office or any cause to be submitted to the voters.
- 31 **Report:** A report of expenditures, loans, and contributions received by any candidate.
- 32 **Surplus campaign funds:** Unexpended funds contributed to a candidate that remain after the
33 election is certified and all campaign debts, including all loans, have been paid.
- 34 **Treasurer:** Any person appointed by a candidate to receive or disburse money or other items
35 of value to promote or assist in the promotion of any candidate or proposition.

1 Vote-by-Mail: The process whereby voters make application for and submit completed ballots
2 by either mail or in-person drop-off at a location authorized by the Board.

3 **§ 8-2. Powers and Duties of the Board of Supervisors of Elections.**

4 A. Assistance from City Staff. In addition to any power, duty, or responsibility provided in
5 the City Charter, the Board may obtain the assistance and support of City staff, with the
6 approval of the City Administrator, to aid the Board in its official duties.

7 B. Administration and record-keeping. In addition to any power, duty, or responsibility
8 provided in the City Charter, the Board shall have the authority to direct the City Clerk in:

9 (1) Issuing and maintaining all election records in a separate filing system provided by the
10 City; and

11 (2) Keeping, maintaining, administering, and updating the City Supplemental Voter
12 Registry and accepting, examining, and, as appropriate, approving registration applications
13 for the Supplemental Voter Registry.

14 C. Campaign finance. The Board shall have authority to provide, receive, and review campaign
15 reports, and certify that campaign reports are timely and complete as outlined in this Chapter,
16 and the Board may delegate some or all of these responsibilities.

17 D. Election duties. In addition to any power, duty, or responsibility provided in the City
18 Charter, the Board shall:

19 (1) Provide for the nominations for elected City officers;

20 (2) Verify the eligibility of election candidates and certify eligible candidates;

21 (3) Select and train election judges to assist in the operation of the polling places for City
22 elections;

23 (4) Issue the official election ballot;

24 (5) Provide a form for the certificate of polling place challengers and watchers;

25 (6) Provide for voting by Vote-by-Mail ballot and provisional ballot;

26 (7) Prescribe and print or obtain all necessary election forms and related materials in
27 sufficient time for their respective use, including applications for candidacy, Vote-by-Mail
28 applications, Vote-by-Mail ballots, voter instructions, ballot envelopes, and related
29 affidavits and statements as the Board deems necessary;

30 (8) Oversee the operations of the polling places;

31 (9) Validate the authenticity of returned Vote-by-Mail ballots and completed provisional
32 ballots;

1 (10) Certify all election results; and

2 (11) Provide for recount of ballots.

3 E. Enforcement and review. In addition to any power, duty, or responsibility provided in the
4 City Charter, the Board shall:

5 (1) Administer and enforce all election laws;

6 (2) Conduct administrative review of complaints as set forth in Article VIII of this Chapter;
7 and

8 (3) Delegate the investigation and review of violations of Article VII to the City Ethics
9 Commission per Chapter 10, § 10-1 of the City Code.

10 ARTICLE II

11 General Election Procedures

12 § 8-3. Election Day.

13 Elections, other than special elections, shall be held on the first Tuesday in May of each year
14 an election for Mayor and/or Council regularly occurs. Polls shall be open to qualified voters
15 and public notice provided in accordance with C4-9 of the City Charter.

16 § 8-4. Early Voting.

17 A. The City Council or Board may provide for one or more early voting days in any election.

18 B. Any early voting day shall be held no more than fifteen (15) days prior to the Election Day
19 established in § 8-3 of this Article.

20 C. On a designated early voting day, the polls shall be open to qualified voters at the times and
21 places specified and advertised by the Board, which shall be open a minimum of eight (8) hours
22 if early voting is conducted on a Saturday and at least four (4) hours if early voting is conducted
23 on any other day of the week.

24 § 8-5. Special Elections.

25 A. Generally. In addition to regularly scheduled elections, other special elections shall be held
26 to resolve tie votes in any election and/or to fill vacancies that arise a substantial amount of
27 time before the next regularly scheduled election, which shall be conducted pursuant to this
28 Section.

29 B. Runoff elections.

30 (1) If, in any election directed by the Charter, any two (2) or more candidates for the office
31 of Mayor or Councilmember who have received the highest number of votes receive an

1 equal number of votes, or the vote upon any binding referendum results in a tie, a runoff
2 special election between these candidates and/or tied referenda shall be ordered and
3 conducted by the Board.

4 (2) Any runoff special election required by Paragraph (1) of this Subsection shall be held
5 within seventy-five (75) days of the election in which the tie vote occurred, shall include
6 those offices for which the equal number of votes was cast or referendum questions which
7 resulted in a tie vote.

8 **C. Special elections to fill vacancy.**

9 (1) If, at any point the office of Mayor and/or one or more seats on the Council become
10 vacant, the Board shall, at the direction of the Council, conduct a vacancy special election
11 to fill the vacancies.

12 (2) Except as provided in the City Charter, any special election shall be held within
13 seventy-five (75) days of the date the vacancy was created.

14 (3) Notwithstanding any other provision of this Subsection, no special election to fill a
15 vacancy shall be held if the special election can be conducted on any day that is within one
16 hundred fifty (150) days of any regularly scheduled City election, and the office shall
17 remain vacant until the regularly scheduled City election.

18 **D. Combination special elections.** If, in the event that an additional seat on the Council
19 becomes vacant after a general election, but before a necessary runoff special election is held
20 pursuant to Subsection (B) of this Section, the Board may extend the time for the runoff special
21 election to any day within seventy-five (75) days of the date the vacancy was created and both
22 the runoff and the vacancy elections shall be conducted at the same time.

23 **§ 8-6. Applications for Candidacy; Certification of Candidates; Withdrawal.**

24 **A.** All individuals wishing to have their name included on a ballot as a candidate for the offices
25 of Mayor or Councilmember shall:

26 (1) file an application for candidacy on a form prescribed by the Board on or before 5:00
27 p.m. on the last Friday in March in the year that the election is to be held;

28 (2) comply with any financial disclosure requirements of Chapter 10, § 10-9 of the City
29 Code.

30 **B.** The Board shall timely review all applications for candidacy and conduct any necessary
31 investigations to determine the eligibility of each applicant for candidacy, including verifying
32 that candidates are residents of the City.

33 **C.** The Board may refuse to certify for candidacy any individual who, in any previous election,
34 failed to file all reports required by this Chapter or has repeatedly or consistently failed to
35 observe required election procedures.

1 D. The Board shall consider any mitigating circumstances in ruling on whether to certify an
2 application for candidacy.

3 E. Candidates may withdraw their candidacy at any time on or before the Monday following
4 the filing deadline for applications for candidacy set forth in this Section. Any candidate who
5 withdraws shall file a disposition of funds report.

6 **§ 8-7. Qualifications for Election Judges; Oath of Office.**

7 A. All Election Judges appointed by the City Council or by the Board shall be registered voters
8 of the City.

9 B. All persons listed in Subsection (A) of this Section shall, before engaging in their duties,
10 take the oath set forth in § C12-1 of the City Charter and Article I, § 9 of the Maryland
11 Constitution.

12 **ARTICLE III**

13 **City Supplemental Voter Registry**

14 **§ 8-8. Supplemental Voter Registry.**

15 A. The City Clerk shall maintain a supplemental voter registry of qualified voters who are not
16 registered to vote pursuant to the State Universal Registration Act at the direction of the Board.

17 B. Any person qualified to vote in a City election and who is not registered to vote pursuant to
18 the State Universal Registration Act is eligible to register for the City Supplemental Voter
19 Registry.

20 C. Upon satisfaction of the application requirements as set forth in this Article, the City Clerk
21 shall register the applicant on the City Supplemental Registry unless otherwise directed by the
22 Board.

23 **§ 8-9. Application and Procedure.**

24 A. Any qualified person who wishes to be placed on the City Supplemental Voter Registry
25 shall complete and submit an application to the Board.

26 B. Each City Supplemental Voter Registry application shall include, and each applicant shall
27 be required to provide:

28 (1) the applicant's full name;

29 (2) the address of the applicant's primary residence;

30 (3) a declaration that the applicant meets the qualifications to vote in a City election as set
31 forth in § C4-1 of the City Charter;

1 (4) a statement executed under the penalties of perjury declaring that all of the information
2 included in the application is true to the best of the applicant's knowledge; and

3 (5) the applicant's signature.

4 C. In addition to the statements set forth in Subsection (B) of this Section, applicants are
5 required to show proof of identity, age, and residency within the City.

6 D. Notwithstanding Subsection (C) of this Section, if the applicant is unable to provide
7 sufficient documentary proof, the Board ~~may~~ shall waive one or more of those requirements if
8 the applicant provides an additional affidavit executed under the penalties of perjury, stating
9 that the applicant does not currently possess documentation that could be used to prove
10 identity, age, and/or residency.

11 ARTICLE IV

12 Provisional Ballots

13 § 8-10. Eligibility for a Provisional Ballot.

14 An individual is eligible to cast a provisional ballot if:

15 A. The individual declares in a written affirmation under oath submitted with the
16 provisional ballot that the individual is a registered voter in the State or the City and is
17 eligible to vote in that election; and

18 B.(1) The individual's name does not appear on the City's election register or list of
19 voters; or

20 (2) An election official asserts the individual is not eligible to vote.

21 § 8-11. Application.

22 Before an individual may cast a provisional ballot, the individual shall:

23 A. Complete and sign the provisional ballot application prescribed by the Board of
24 Supervisors of Elections; and

25 B. Be provided a data sheet on how the individual may obtain information on whether the
26 provisional vote was counted or not counted and the reasons therefore.

27 § 8-12. Locations and Procedure.

28 A. An eligible voter who completes an application shall be issued and may cast a provisional
29 ballot at a polling location on Election Day or at an early voting location during early voting.

1 B. When cast, a provisional ballot shall either be enclosed in an envelope and secured in a
2 locked box designated for such ballots or stored in an electronic format as specified by the
3 Board.

4 **§ 8-13. Canvass of Provisional Ballots.**

5 A. The Board shall adopt regulations regarding the handling and canvassing of provisional
6 ballots.

7 B. The envelope of a provisional ballot shall not be opened until the Board has approved the
8 provisional ballot application for that ballot.

9 C. The Board may not reject a provisional ballot except by unanimous vote.

10 D. The Board shall reject a provisional ballot if:

11 (1) The individual is not qualified to vote in the election;

12 (2) The individual failed to sign the oath on the provisional ballot application;

13 (3) The individual cast more than one (1) ballot for the same election; or

14 (4) The provisional ballot is marked by an identifying mark that is clearly evident and can
15 be used to identify the ballot.

16 E. The Board shall establish a system that permits individuals who have cast provisional ballots
17 to determine whether their ballot was counted.

18 **ARTICLE V**

19 **Vote-by-Mail Ballots**

20 **§ 8-14. General Provisions.**

21 A. Any person qualified to vote in any election may use a Vote-by-Mail ballot pursuant to the
22 provisions of this Article.

23 B. Subject to the provisions set forth in § 8-14. E., voters that have applied for and received a
24 Vote-by-Mail ballot may only vote in that election by Vote-by-Mail ballot and are prohibited
25 from voting in person at any polling place for that election.

26 C. No Vote-by-Mail ballot, completed or otherwise, shall be handled or delivered by a
27 candidate or any individual volunteering or working for a candidate, except for their own ballot
28 or that of their immediate family member or a member of their household.

29 D. No person may cast a vote using a Vote-by-Mail ballot that was issued by the City for
30 another person.

1 E. Voters may choose to Vote-by-Mail permanently by completing the required form
2 provided by the City Clerk's office. The form must be submitted to the City Clerk no less than
3 10 days before any City election. The City Clerk shall maintain a list of all permanent Vote-
4 by-Mail voters. Any permanent Vote-by-Mail voter may revoke their status as a permanent
5 Vote-by-Mail voter at any time. The City Clerk shall remove from the list any permanent
6 Vote-by-Mail voter who has not voted in ~~three~~ two consecutive election cycles.

7 **§ 8-15. Applications for Vote-by-Mail Ballots.**

8 A. Printed forms of applications for Vote-by-Mail ballots in accordance with the requirements
9 of this Chapter shall be provided by the Board and shall be available to any qualified voter.

10 B. A qualified voter desiring to vote at any election with a Vote-by-Mail ballot shall make an
11 application, in writing, to the Board prior to the deadline established in Subsection (D) of this
12 Section.

13 C. Applications for Vote-by-Mail ballots shall include the following:

14 (1) the applicant's name and residence address, including the street and number;

15 (2) a statement indicating that the applicant is a qualified voter at the residence address
16 given;

17 (3) whether the ballot should be held for pick-up at the City Municipal Building or mailed
18 to the applicant, and if mailed, the address to which the ballot is to be delivered if different
19 from the applicant's resident address;

20 (4) an affidavit executed under the penalties of perjury stating that all of the information
21 included in the application is true to the best of the applicant's knowledge; and

22 (5) the applicant's signature.

23 D. Application deadlines. (1) Applications that request a ballot be held for pick-up at the City
24 Municipal Building shall be filed with the Board no later than 10:00 a.m. on the last day the
25 City offices are open for regular business before Election Day.

26 (2) Applications that request delivery of a ballot by mail shall be filed with the Board no
27 later than the close of business ten (10) days prior to Election Day.

28 **§ 8-16. Rejection or Approval of Applications for Vote-by-Mail Ballots.**

29 A. Review of applications. (1) The Board shall review and approve or reject all Vote-by-Mail
30 applications as soon as reasonably practicable and without delay.

31 (2) All applications that request delivery of a Vote-by-Mail ballot by mail shall be approved
32 or rejected no later than seven (7) days prior to Election Day.

1 B. Rejection of applications. (1) The Board shall reject any application for a Vote-by-Mail
2 ballot if:

- 3 (a) the application is not filed before the applicable deadline;
- 4 (b) the application is missing any of the information required by § 8-15 of this Article;
- 5 (c) the applicant is not eligible to vote;
- 6 (d) the Board has already granted a previous application filed by that applicant; or
- 7 (e) the voter has already voted in person on an early voting day.

8 (2) The Board may not reject the Vote-by-Mail application of any person except by
9 unanimous vote.

10 (3) If a Vote-by-Mail application is rejected, the Board shall promptly notify the applicant
11 of the reason(s) therefore.

12 C. Approval of applications; delivery of Vote-by-Mail ballots. (1) If an application is not
13 rejected under Subsection (B) of this Section, the Board shall, as soon as reasonably
14 practicable, mail the applicant's ballot or make the ballot available for pickup at the office of
15 the Board if the applicant so indicated on their application.

16 (2) The Board shall mail all ballots that approved applicants have requested to be delivered
17 by mail no later than seven (7) days prior to Election Day.

18 (3) If the applicant is entitled to free postage privileges under any federal law, rule, or
19 regulation, the Board shall take full advantage of these privileges.

20 (4) Not more than one (1) Vote-by-Mail ballot may be mailed or provided to any applicant
21 unless the Board has reasonable grounds to believe that the Vote-by-Mail ballot previously
22 mailed has been lost, destroyed, or spoiled.

23 (5) Upon the mailing or delivery of a Vote-by-Mail ballot, the Board shall:

24 (a) remove the approved applicant's voter record card from the precinct binder and
25 place it in a separate binder marked "Registered Vote-by-Mail Voters," which shall be
26 retained in the office of the City Clerk; and

27 (b) place a marker in the regular precinct binder that indicates the voter's name, that a
28 Vote-by-Mail ballot has been mailed or delivered, and the date on which the ballot was
29 sent or delivered.

30 **§ 8-17. Form and Contents of Vote-by-Mail Ballots and Related Materials.**

31 A. The Board shall prescribe the size, form, arrangement, and printed contents of Vote-by-Mail
32 ballots, except that all such ballots shall:

- 1 (1) be in paper form;
- 2 (2) display the heading "Vote-by-Mail Ballot" printed in large letters in a clear space at the
3 top of each paper ballot;
- 4 (3) display the following instructions printed in large letters in a clear space below the
5 ballot heading: "Mark ballot by placing X in proper blank after each candidate or question.
6 Do not erase or make identifying marks.";
- 7 (4) clearly display the applicable election ward;
- 8 (5) list candidates by office and then alphabetically by last name within each office; and
- 9 (6) list referendum questions following the listing of candidates for all offices.

10 B. The Board shall prescribe the size, form, arrangement, and printed contents of the following
11 materials, which shall be included with every Vote-by-Mail ballot:

- 12 (1) Vote-by-Mail ballot material envelopes, providing for a covering envelope, a ballot
13 envelope, and a return envelope;
- 14 (2) printed instructions for the marking and casting of Vote-by-Mail ballots; and
- 15 (3) a certification of assistance form.

16 **§ 8-18. Assistance in Marking Vote-by-Mail Ballots.**

17 A. Any qualified voter who is unable to mark their own ballot due to a physical disability may
18 receive assistance in marking a Vote-by-Mail ballot.

19 B. Any person assisting another voter in the marking of a Vote-by-Mail ballot shall complete the
20 required certification of assistance included with the ballot, which shall be executed under the
21 penalties of perjury and returned with the completed ballot.

22 **§ 8-19. Delivery of Completed Vote-by-Mail Ballots.**

23 Completed Vote-by-Mail ballots may be delivered:

24 A. by mail to the address designated by the Board; or

25 B. by hand to any of the following:

- 26 (1) the City Clerk's office during normal business hours;
- 27 (2) the Board or a chief election judge during voting hours at any polling place on any
28 Election Day or early voting day; or
- 29 (3) the Board at any other place and time designated by the Board.

1 **§ 8-20. Procedure for Canvassing Vote-by-Mail Ballots.**

2 A. Time for opening or unfolding ballots. The Board shall not open or unfold any Vote-by-
3 Mail ballot at any time before the closing of the polls and the beginning of the canvass of the
4 ballots.

5 B. Procedure generally. (1) Immediately following the canvass of the votes cast at the regular
6 voting places in the City on Election Day, the Board shall meet at the City Municipal Building
7 and shall proceed to count, certify, and canvass the Vote-by-Mail ballots contained in the ballot
8 envelopes received before the closing of the polls on Election Day.

9 (2) This canvass shall be conducted by ward in accordance with the applicable provisions
10 of § C4-11 of the City Charter.

11 (3) All Vote-by-Mail voters' applications, certifications, ballot envelopes, and ballots shall
12 be kept separate and apart from other ballot types and election materials.

13 (4) Before opening any ballot, the Board shall inspect the ballot and determine the
14 following:

15 (a) that the provisions for filling out and signing the oath on the outside of the ballot
16 envelope have been substantially complied with;

17 (b) that the voter is entitled to vote under this Chapter in a ward of the City; and

18 (c) that the voter has not already voted on Election Day.

19 (5) If the Board is satisfied that a ballot meets all of the criteria set forth in Paragraph (4)
20 of this Subsection, the Board shall open the ballot envelope, remove the ballot therefrom,
21 place the ballot in a Vote-by-Mail ballot box, and enter in the appropriate register the fact
22 that the voter whose name appears thereon has voted, using the initials "VBM" to indicate
23 the vote has been by a Vote-by-Mail ballot.

24 C. Rejection of Vote-by-Mail ballots. (1) The Board may reject a Vote-by-Mail ballot only by
25 unanimous vote of the entire Board.

26 (2) Vote-by-Mail ballots may be marked by any kind of ~~pencil~~ or ink so long as it permits
27 the Board to ascertain the voter's unambiguous choices.

28 (3) Vote-by-Mail ballots shall be rejected and not counted if:

29 (a) the ballot was received by the Board after the closing of the polls on Election Day;

30 (b) the voter's oath is not sufficiently executed;

31 (c) there is more than one (1) ballot in the ballot envelope, in which case all shall be
32 rejected;

33 (d) the ballot was cast by a person not eligible to vote;

- 1 (e) the voter has already voted in person;
- 2 (f) the voter has marked more choices than is permissible for a specific contest or the
3 ballot is marked in a manner that makes the voter's choice(s) ambiguous, in which case
4 the Board shall invalidate only the vote(s) for the specific contest(s) that are improperly
5 or ambiguously marked and shall not invalidate the remainder of the ballot, which shall
6 be counted, certified, and canvassed unless rejected for another reason;
- 7 (g) the Board receives from the same person before the closing of the polls on election
8 day more than one (1) Vote-by-Mail ballot, in which case the Board shall count, certify,
9 and canvass only the Vote-by-Mail ballot with the earliest date and the other shall be
10 rejected, or, if both are undated or dated the same, both ballots shall be rejected;
- 11 (h) the ballot contains a vote for a person who has ceased to be a candidate, in which
12 case the Board shall invalidate only that vote for that specific contest and shall not
13 invalidate the remainder of the ballot, which shall be counted, certified, and canvassed
14 unless rejected for another reason; and/or
- 15 (i) the Board determines that the voter has died before Election Day as set forth in
16 Subsection (D) of this Section.

17 D. Death of a Voter. (1) Whenever the Board determines from proof of investigation that any
18 person who has cast a Vote-by-Mail ballot has died before Election Day, the Board shall not
19 count the ballot of the deceased voter, but it shall be preserved with the rest of the canvassed
20 ballots pursuant to § 8-21 of this Article.

21 (2) Notwithstanding Paragraph (1) of this Subsection, if, at or before the time of counting
22 and canvassing, the Board has not determined that a person who cast a Vote-by-Mail ballot
23 had died before Election Day, that voter's ballot shall be counted, and the fact that the voter
24 may later be shown to have been actually dead on Election Day shall not invalidate the
25 ballot or the election.

26 **§ 8-21. Records and Retention of Ballots and Related Materials.**

27 A. The Board shall keep, pursuant to the City's Record Retention Policy, a record of
28 Vote-by-Mail applications and shall retain Vote-by-Mail ballots, ballot envelopes,
29 certifications, and applications received.

30 B. The records retained pursuant to this Section shall be made available for examination by
31 any registered voter or as the Maryland Public Information Act or other State or federal law
32 may require or prohibit such disclosure.

1 **ARTICLE VI**

2 **Campaign Material and Other Persuasive Election Material**

3 **§ 8-22. Authority Lines.**

4 A. Except as otherwise provided in this section, each item of campaign material shall contain
5 an authority line, set apart from any other message, that states the name, title, and address of
6 the person responsible for the publication or distribution of the same, except that an address
7 need not be included if the responsible person is registered with the City Clerk.

8 B. Any material that is published or distributed in support of, or in opposition to, a candidate,
9 referendum, or election question without being directly or indirectly authorized by the
10 candidate as provided in this Section shall include the following statement: "Authorized and
11 paid for by (name of payer or any organization affiliated with the payer). This message has not
12 been authorized or approved by any candidate."

13 C. The provisions of this Section apply to all campaign materials, including those that are
14 distributed and published electronically and through social media.

15 D. Notwithstanding any other provision in this Section, material need not contain an authority
16 line if the item is too small to include all the information required by this Section in a legible
17 form, except that reasonable effort shall be made to include as much legible information as
18 possible, even if in truncated form.

19 **§ 8-23. Posting Campaign Materials.**

20 The posting or display of campaign materials, including, but not limited to, signs, clothing,
21 flyers, and other displays, shall be conducted in compliance with any applicable federal,
22 state, and local laws.

23 **ARTICLE VII**

24 **Campaign Finance**

25 **§ 8-24. Appointment of a Treasurer.**

26 A. Each candidate shall appoint one (1) treasurer and shall file the name and address of the
27 treasurer, together with the treasurer's acceptance of the appointment in writing, on a form
28 provided by, and returned to, the City Clerk prior to the filing deadline for candidacy set forth
29 in § 8-6 of this Chapter.

30 B. In the event of the resignation of an appointed treasurer, the candidate must immediately
31 inform the Board and shall within seventy-two (72) hours appoint a new treasurer and so
32 inform the Board in writing.

1 C. A candidate may serve as treasurer so long as the candidate has not received ~~and does not~~
2 ~~intend to receive~~ total contributions of more than one thousand dollars (\$1000.00), excluding
3 contributions to a candidate's campaign if made by a candidate or the candidate's spouse or
4 domestic partner.

5 D. In the event the contributions exceed the amount in Subsection (C) of this Section, the
6 candidate must, within two (2) days, report such to the City Clerk, appoint a treasurer, and file
7 the appropriate form(s).

8 E. The Board or the Clerk shall promptly send a written notice to any candidate who is required
9 to appoint a treasurer but who fails to do so. Such notice shall also be posted on the City's
10 website and on the City's bulletin board.

11 **§ 8-25. Duties and Authority of a Campaign Treasurer.**

12 A. All campaign assets shall be delivered to, and maintained by, a candidate's treasurer.

13 B. No campaign assets may be disbursed or disposed of by any person other than the treasurer.

14 C. Treasurers are responsible for timely filing reports as required by this Chapter.

15 D. The duties of a treasurer may not be transferred or delegated to another person, except that
16 a candidate may simultaneously be a candidate and serve as treasurer pursuant to § 8-24(C) of
17 this Article.

18 **§ 8-26. Reports Required.**

19 A. The treasurer for each candidate for the office of Council or Mayor, or the candidate serving
20 as their own treasurer, shall file reports in accordance with this Article.

21 ~~B. Notwithstanding any other provision in this Article, a candidate is not required to file reports~~
22 ~~otherwise required by this Article if the candidate files an Affidavit of Limited Contributions~~
23 ~~and Expenditures averring that the candidate will not accept campaign contributions in excess~~
24 ~~of one thousand dollars (\$1000.00) cumulatively or make expenditures in excess of one~~
25 ~~thousand dollars (\$1000.00) cumulatively. Any candidate who files an Affidavit of Limited~~
26 ~~Contributions and then accepts or expends in excess of one thousand dollars (\$1000.00) shall~~
27 ~~immediately comply with the requirements for candidates who have not filed an Affidavit of~~
28 ~~Limited Contributions and have received more than one thousand dollars (\$1000.00).~~

29 ~~B.~~ The City Clerk shall make all reports and/or affidavits filed pursuant to this Article
30 available for examination by any member of the public.

31 ~~D.~~ Any report filed with the City as required by this Chapter shall also be filed with the State
32 Board of Elections as required by State law, including pursuant to Maryland Code, § 4-108.2
33 of the Local Government Article, which may be amended from time to time.

1 ~~ED.~~ A candidate shall not be seated and sworn as an elected official and shall not receive a
2 salary until all reports required by this Chapter are filed in substantial compliance with the
3 requirements of this Chapter as well as all reports required by the City's Ethics Ordinance.

4 **§ 8-27. Filing Reports.**

5 A. Reports required by this Article shall be filed pursuant to the following schedule:

6 (1) Initial Report: An initial report shall be filed on the twenty-first (21st) day proceeding
7 Election Day.

8 (2) Second Report: A second report shall be filed on the seventh (7th) day preceding
9 Election Day.

10 (3) Annual Reports: An annual report shall be filed on or before the first Tuesday in
11 September of each year until the cash balance, unpaid bill(s), or deficit is eliminated and a
12 final annual report reflecting the disposition of funds is filed with the City Clerk's Office
13 per § 8-32.

14 (4) Corrected Reports: Corrected reports shall be filed in the time frame established in
15 § 8-29(B) of this Article.

16 B. Reports must be filed with the office of the City Clerk by 1:00 p.m. on the day they are due.

17 C. The City Clerk shall promptly send a written notice to any candidate and the candidate's
18 treasurer who fails to timely file a campaign finance report. Such notice shall also be posted
19 on the City's website and on the City's bulletin board.

20 **§ 8-28. Form and Contents of Reports.**

21 A. All reports shall be made on forms or in a format provided by the City Clerk and approved
22 by the City Attorney.

23 B. Each report shall include the information set forth in Subsection C of this Section that
24 occurred during the following time frames:

25 (1) The initial report shall include information from the preceding election, or the most
26 recent annual report, if applicable, up to and including the full day before the filing of the
27 initial report.

28 (2) All other reports shall include information starting from the full day that the previous
29 report was filed up to and including the full day before the filing of the current report.

30 C. Each report filed shall include:

31 (1) the total and individual amounts of all contributions the candidate or candidate's
32 treasurer received;

- 1 (2) the total and individual amounts of all expenditures which the candidate or candidate's
2 treasurer, or any person acting on their behalf made;
- 3 (3) receipts and/or other documentation for all expenditures reported, which shall include
4 dates, amounts, and information to identify each contributor and recipient of funds;
- 5 (4) the total and individual amounts of all loans the candidate or candidate's treasurer
6 received;
- 7 (5) documentation indicating the nature, terms, and status of each loan; and
- 8 (6) any balance from the prior reporting period.

9 D. Notwithstanding any other provision in this Article, a report need not itemize the campaign
10 contributions made by the candidate or the candidate's spouse or domestic partner but may
11 aggregate these contributions under one line or total.

12 E. Unless otherwise provided by the Board, all reports shall be executed under the penalties of
13 perjury by the treasurer of the candidate or by the candidate if the candidate is not required to
14 have a treasurer.

15 **§ 8-29. Review of Reports; Financial Advisors.**

16 A. Responsibility to ensure accurate reporting. The Board is responsible for ensuring that all
17 forms and campaign finance reports are in substantial compliance with this Chapter.

18 B. Notification and correction of deficient reporting. (1) If the Board or their designee
19 discovers a reporting inaccuracy or other deficiency in a report filed pursuant to this Article, it
20 shall notify in writing the candidate and the treasurer of the candidate, if any, and a corrected
21 report shall be filed by the treasurer within:

22 (a) forty-eight (48) hours after the City Clerk sends notice if the report to be corrected
23 was filed pursuant to Paragraphs (1) or (2) of § 8-27(A) of this Chapter; or

24 (b) seven (7) days after the City Clerk sends notice if the report to be corrected is an
25 annual report required to be filed pursuant to Paragraph (3) of § 8-27(A) of this Chapter.

26 (2) Failure to file a corrected report within applicable time established by this Subsection
27 shall render the report overdue and may result in penalties pursuant to Article IX of this
28 Chapter.

29 (3) Notwithstanding any other provision of this Subsection, if the inaccuracy or deficiency
30 in a report is de minimis or other good cause is shown, the Board may, with or without a
31 hearing, waive the inaccuracy or deficiency and the requirement to file a corrected report.

32 C. Financial advisors. (1) The Board may appoint one or more individuals with some expertise
33 in reading financial statements to aid the Board in reviewing reports filed pursuant to this
34 Article.

- 1 (2) The Board may direct financial advisor(s) to:
- 2 (a) promptly review all reports filed pursuant to this Article;
- 3 (b) notify the candidate, treasurer, and/or Board of any irregularities, discrepancies, or
- 4 errors the reports;
- 5 (c) recommend actions to the Board, if any.

6 **§ 8-30. Campaign Accounts.**

7 If contributions received by a candidate exceed a total of one thousand dollars (\$1000.00), all
8 campaign funds must be deposited into one account opened with a financial institution and
9 such funds shall not be commingled with any other funds or accounts.

10 **§ 8-31. Restrictions on Campaign Contributions.**

11 A. Maximum contribution. No candidate or treasurer may accept from a single person, and no
12 person may give or promise to any single candidate, contributions that total over five hundred
13 dollars (\$500.00) per election.

14 B. Candidate and spouse or domestic partner contributions and loans. (1) The contributions or
15 loans of a candidate or the candidate's spouse or domestic partner to the candidate's own
16 campaign shall not be subject to, or included in, the dollar limitations set forth in this Section.

17 (2) Any contributions or loans made by a candidate or candidate's spouse or domestic
18 partner to the candidate's own campaign shall pass through the candidate's campaign
19 account, if any, and be reported, however, they need not be itemized and can be aggregated
20 under one line or total.

21 C. Contributions from prohibited persons. No candidate shall knowingly accept or solicit a
22 contribution from:

- 23 (1) an anonymous contributor;
- 24 (2) a corporation, including labor unions and political committees;
- 25 (3) a person making a contribution in the name of another; or
- 26 (4) a foreign national, which includes:
 - 27 (a) a person outside of the United States who is not a citizen of the United States;
 - 28 (b) an individual within the United States who is not a citizen of the United States and
 - 29 who is not lawfully admitted for permanent residence;
 - 30 (c) a government of a foreign country;
 - 31 (d) a political party of a foreign country;

1 (e) any partnership, association, corporation, organization, or other combination of
2 persons organized under the laws of, or having its principal place of business in, a
3 foreign country; or

4 (f) any other foreign person that is prohibited from making contributions by federal
5 law, including 52 U.S.C. § 30121 and 11 CFR 110.20, which may be amended from
6 time to time.

7 D. If any candidate or treasurer receives a contribution prohibited by this Section, that
8 candidate shall either return the contribution to the contributor promptly or shall forfeit that
9 contribution to the City promptly, which forfeiture may be used for any public purpose.

10 E. Campaign loans. (1) Except as set forth in Subsection (B) of this Section, the total amount
11 of all loans to a candidate for any election shall not exceed five thousand dollars (\$5,000.00),
12 and no one person or entity may loan a candidate more than one thousand dollars (\$1000.00).

13 (2) A loan to a candidate is considered a contribution unless:

14 (a) the loan is from a financial institution or other entity in the business of making
15 loans; or

16 (b) the loan is to the candidate and repayment is personally guaranteed by the candidate
17 and is due within one year of the date of the loan.

18 (3) If the amount of interest actually charged on a loan to a candidate is less than the prime
19 rate on the day the loan is made, the difference between the actual interest charged and that
20 prime rate shall constitute a contribution.

21 (4) All campaign loans shall be documented on campaign finance reports in a format
22 provided by the City Clerk and approved by the City Attorney.

23 **§ 8-32. Restrictions on the Use of Campaign Funds.**

24 A. Personal use of campaign funds prohibited. (1) No candidate may use campaign funds for
25 any personal use, which is an obligation or expense of any person that would exist irrespective
26 of the campaign of a candidate.

27 (2) Personal use includes, but is not limited to:

28 (a) household food items or supplies;

29 (b) clothing, other than items of de minimis value that are used in the campaign
30 (examples of de minimis campaign clothing include, but are not limited to, campaign
31 logo "T-shirts" and caps with campaign slogans);

32 (c) mortgage or rent payments for the personal residence or property of a candidate or
33 the candidate's family;

- 1 (d) vacations;
- 2 (e) tickets or admission to entertainment, such as a concert or theater performance; and
- 3 (f) salary payments to a member of the candidate's family.
- 4 B. Campaign funds may not be utilized in any election other than one held by the City.
- 5 C. Cash withdrawals are prohibited.
- 6 D. Campaign funds shall not be used to pay a fine for a violation of this Chapter.
- 7 E. No person other than a candidate, treasurer, or other agent with specific written authorization
- 8 by the candidate shall make an expenditure from any campaign account.
- 9 F. Retention and disposition of surplus funds. (1) After an election, surplus funds may be
- 10 retained and may be used by the candidate in any election to support the candidate's election
- 11 or reelection to any City office. The candidate and the candidate's treasurer shall meet all
- 12 applicable requirements of this Chapter with respect to maintaining and accounting for the
- 13 surplus funds including, but not limited to filing all annual reports. (2) The candidate may
- 14 also choose to dispose of surplus funds in accordance with § 8-32F(2)(a) – (d).
- 15 (a) Returned, pro rata, to the contributors by the treasurer;
- 16 (b) Paid to a charitable organization registered or exempt from registration pursuant to
- 17 Maryland Code, Title 6 of the Business Regulation Article, which may be amended
- 18 from time to time;
- 19 (c) Paid to a local board of education or to a recognized nonprofit organization
- 20 providing services or funds for the benefit of pupils or teachers; and/or
- 21 (d) Paid to any public or private institution of higher education in the State for
- 22 scholarship or loan purposes.
- 23 (3) Except where surplus campaign funds are returned to contributors, such funds shall not
- 24 be converted to personal use.
- 25 (4) Candidates or their treasurers shall make a record of all dispositions of surplus
- 26 campaign funds.
- 27 (5) Within 30 days of the disposition of all of a candidate's surplus funds, or on or before
- 28 the first Tuesday in September following the complete disposition of the candidate's
- 29 surplus funds, whichever is earlier, the candidate or the candidate's treasurer shall file:
- 30 (a) an annual report as set forth in § 8-27(A)(3) and 8-28 of this Article VII; and
- 31 (b) an affidavit with the City Clerk stating that the campaign accounts are closed and
- 32 detailing how the funds were distributed.

1 (c) Within 30 days of paying off a campaign loan, a candidate shall cause to be filed an
2 affidavit stating that the loan is paid in full with supporting documentation from the
3 lender.

4 **§ 8-33. Investigation of Campaign Finance Violations.**

5 A. Notwithstanding any other provision in this Chapter, the Board or their designee shall have
6 concurrent jurisdiction to investigate any violations of this Article and enforce the provisions
7 thereof, and the Board is not required to investigate or resolve matters being addressed by the
8 City Ethics Commission.

9 B. The City Administrator and/or the City Clerk shall monitor and make appropriate
10 recommendations to the Board and the Ethics Commission in the event of duplicative
11 investigations or hearings.

12 **ARTICLE VIII**

13 **Complaints**

14 **§ 8-34. Scope of Duty and Authority.**

15 A. The Board shall investigate and resolve any written complaints or contests relating to
16 voting, the validity of any ballot, candidate certification, violations of this Chapter, or other
17 City election matters within the authority granted to the Board by the City Charter or Code.

18 B. When reviewing a complaint, contest, or other potential violation within its authority
19 pursuant to this Article, the Board has the power to:

20 (1) conduct a reasonable investigation;

21 (2) conduct one or more hearings;

22 (3) adopt reasonable rules and procedures for the conduct of hearings that are not
23 inconsistent with this Article;

24 (4) summon concerned parties and/or necessary witnesses to hearings;

25 (5) dismiss a complaint;

26 (6) conciliate a complaint;

27 (7) issue orders;

28 (8) implement enforcement actions as provided by this Section; and

29 (9) extend the time for any hearing and the issuance of any finding, opinion, and/or orders.

1 **ARTICLE IX**

2 **Enforcement, Prohibited Conduct, Penalties, and Appeals**

3 **§ 8-35. Enforcement.**

4 The Board may enforce the provisions of this Chapter by:

5 A. issuing cease and desist orders;

6 B. imposing fines as set forth in this Article;

7 C. imposing conditions, mandates, or prohibitions on any violator as the Board determines
8 to be appropriate, including requiring a violator to take corrective action;

9 D. seeking judicial enforcement of its decisions by application to courts of competent
10 jurisdiction for injunctions, mandamus, and other appropriate judicial review when
11 conducting an administrative review; and

12 E. referral of complaints to the Office of the State's Attorney for prosecution as the
13 circumstance may warrant.

14 **§ 8-36. Prohibited Conduct.**

15 A. It is unlawful to violate any provision of this Chapter.

16 B. It is unlawful for any person to knowingly and willfully:

17 (1) sign, under oath, affirmation, and/or the penalties of perjury any application, affidavit,
18 or other document pursuant to this Chapter that contains false information;

19 (2) violate any provision of this Chapter with the intent to cast an illegal vote;

20 (3) apply for, cast, or attempt to cast a ballot, including a provisional or Vote-by-Mail
21 ballot, under any name other than their own name;

22 (4) cast or attempt to cast a Vote-by-Mail ballot that was not issued by the City for that
23 person;

24 (5) publish or distribute, for the purpose of influencing votes, any material that contains a
25 false or substantially misleading authority line;

26 (6) canvass or open any Vote-by-Mail ballot or envelope, other than their own, prior to the
27 time for canvassing set forth in Article V of this Chapter;

28 (7) accept, make, or solicit any contribution prohibited by this Chapter or State or federal
29 law;

- 1 (8) fail to promptly forfeit unlawful contributions as required by this Chapter or State or
2 federal law;
- 3 (9) use or dispose of campaign funds in violation of this Chapter or State or federal law; or
- 4 (10) handle a completed voter registration application other than the voter's own
5 application, except that this prohibition does not apply to City, State, or Federal
6 government officials and employees engaging in official business.

7 **§ 8-37. Penalties.**

8 A. Any person who commits any violation set forth in Subsection (B) of § 8-36 of this Article,
9 or knowingly aids or abets another in committing such a violation, shall be guilty of a
10 misdemeanor and, upon conviction, be subject to a fine of not more than one thousand dollars
11 (\$1000.00), imprisonment of not more than six (6) months, or both, at the discretion of the
12 Court.

13 B. The Board may impose a fine of up to five hundred dollars (\$500.00) on any person who
14 fails to:

15 (1) include an authority line on campaign materials, if required, that is in substantial
16 compliance with the requirements set forth in § 8-22 of this Chapter;

17 (2) timely appoint a treasurer and file the correct forms as required by § 8-24 of this
18 Chapter;

19 (3) promptly establish, and properly maintain, a campaign account as required by § 8-30
20 of this Chapter; or

21 (4) comply with an order of the Board.

22 C. The Board or its designee may impose a fine of up to five hundred dollars (\$500.00) on any
23 candidate and/or any treasurer of a candidate if any report or affidavit required by Article VII
24 is not timely filed.

25 D. The Board or its designee may impose a fine of up to one hundred dollars (\$100.00) for any
26 violation of this Chapter, including the prohibited conduct set forth in § 8-36 of this Article,
27 except that a person may not be fined under this Subsection if a fine or penalty is imposed
28 under Subsections (A), (B), or (C) of this Section.

29 E. After notification of a violation and for each day the violation continues, the Board may
30 impose additional fines up to the amounts indicated in Subsections (B), (C), and (D) of this
31 Section, respectively, if an infraction set forth in those Subsections is not abated within a
32 reasonable time.

33 F. The Board may impose a fine of up to two hundred dollars (\$200.00) on any person that
34 fails to appear at a hearing after receiving a summons from the Board.

1 G. In addition to any other fine, penalty, or sanctions, the City Council may, after notice and a
2 hearing, impose such censure or penalty on any person elected who has violated Article VII of
3 this Chapter that the Council deems reasonable and appropriate, including a refusal to seat the
4 individual, removal from office, and a declaration that the seat is vacant.

5 **§ 8-38. Appeals.**

6 ~~A. Any person who is aggrieved by any decision or action of the Board, or the City Ethics~~
7 ~~Commission when it is enforcing any provision of this Chapter, shall have the right to appeal~~
8 ~~the decision within thirty days to the Council by submitting a written petition to the City Clerk~~
9 ~~within fifteen (15) days of the decision or action.~~ Circuit Court for Prince George's County,
10 which shall review the matter *de novo* and without a jury.

11 ~~B. If any person who appeals pursuant to Subsection (A) of this Section is aggrieved by the~~
12 ~~decision of the Council, they may appeal the Council's decision to the Circuit Court for Prince~~
13 ~~George's County, which shall review the matter *de novo* and without a jury.~~

14 **AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the
15 application thereof to any person or circumstance is held invalid for any reason, such invalidity
16 shall not affect the other provisions or any other applications of the Ordinance which can be
17 given effect without the invalid provision or applications, and to this end, all the provisions of
18 this Ordinance are hereby declared to be severable;

19 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect twenty (20)
20 days from the date of its adoption;

21 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
22 forthwith be published twice in a newspaper having general circulation in the City and otherwise
23 be made available to the public.

24 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
25 public meeting on November 19, 2018.

26 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
27 meeting on December 3, 2018.

Adopted: 12/3/18

Attest: 
Laura Reams, City Clerk


Candace B. Hollingsworth, Mayor

28
29
30 { } indicate deletions
31 /**BOLD** indicates additions

1 Asterisks * * * Indicate matter retained in existing law but omitted herein

2

3 Effective Date: December 23, 2018