

ORDINANCE 2-2017
Code of the Town of Bladensburg

**An Ordinance Amending Chapter 44 “Elections” by Adopting
Article II, “Fair Election Practices”,
§44-2 “Campaign Finance”, of the Town of Bladensburg Code
to Establish Fair Election Practices and Regulate Campaign Finance and Communications**

WHEREAS, pursuant to authority granted in Section 314 “Regulation and control by Council” of the Town Charter, the Mayor and Council may provide by ordinance for the conduct of registration and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, the Mayor and Council have determined that it is appropriate to set procedures for to establish fair election practices with respect to campaign financing.

Section 1. NOW, THEREFORE BE IT RESOLVED AND ORDAINED, by the Mayor and Council of the Town of Bladensburg that Chapter 44, “Elections”, II, “Fair Election Practices”, §44-2 “Campaign Finance” of the Bladensburg Code be and it is hereby enacted to read as follows:

ARTICLE II FAIR ELECTION PRACTICES

§44-2 CAMPAIGN FINANCE

A. PURPOSE. PRESERVING THE INTEGRITY AND OPENNESS IN THE POLITICAL PROCESS IS A MATTER OF THE HIGHEST PUBLIC INTEREST. THE RESIDENTS OF THE TOWN OF BLADENSBURG WILL BE BETTER SERVED BY A MORE INFORMED ELECTORATE. THE TRUST OF THE PEOPLE IS ESSENTIAL TO REPRESENTATIVE GOVERNMENT. THE PUBLIC DISCLOSURE AND REGULATION OF CERTAIN CAMPAIGN CONTRIBUTIONS ARE NECESSARY TO PROMOTE PUBLIC CONFIDENCE IN GOVERNMENT AND TO PROTECT THE INTEGRITY OF THE ELECTORAL PROCESS. THE INTENT IN ENACTING

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: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
: Indicate matter added by amendment
: Indicate matter deleted in amendment

THIS CHAPTER IS TO PLACE LIMITS ON THE AMOUNT THAT MAY BE CONTRIBUTED TO POLITICAL CAMPAIGNS FOR ELECTIONS OF MUNICIPAL OFFICIALS IN ORDER TO MINIMIZE UNDUE OR IMPROPER INFLUENCE OVER THOSE OFFICIALS.

B. SCOPE. THIS SECTION APPLIES TO CAMPAIGNS FOR ELECTION OF THE MAYOR AND COUNCILMEMBERS.

C. DEFINITIONS

As used in this article, the following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context:

CANDIDATE. ANY PERSON WHO SEEKS ELECTION OR RE-ELECTION TO THE OFFICE OF MAYOR OR COUNCILMEMBERS. A PERSON IS A CANDIDATE FOR ELECTION UPON THE FIRST TO OCCUR OF THE FOLLOWING:

(1) THE PERSON HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION OR RE-ELECTION TO OFFICE AND THE PERSON OR A CANDIDATE COMMITTEE AUTHORIZED BY THE PERSON HAS RECEIVED CONTRIBUTIONS AND CONTRIBUTIONS IN-KIND OR HAS MADE EXPENDITURES AGGREGATING FIVE HUNDRED DOLLARS (\$500.00); OR

(2) THE PERSON HAS FILED A CERTIFICATE OF CANDIDACY PURSUANT TO ARTICLE III, SECTION 308, "FILING CERTIFICATE FOR CANDIDATES FOR OFFICE", OF THE TOWN CHARTER.

COMMERCIAL LOAN. ANY LOAN OF MONEY BY A COMMERCIAL LENDING INSTITUTION MADE IN ACCORDANCE WITH APPLICABLE LAW AND IN THE ORDINARY COURSE OF BUSINESS, MADE ON A BASIS WHICH ASSURES REPAYMENT, EVIDENCED BY A WRITTEN INSTRUMENT, AND SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE, BEARING THE USUAL AND CUSTOMARY INTEREST RATE OF THE LENDING INSTITUTION.

CONTRIBUTION.

(1) A GIFT, LOAN, PLEDGE, OR ADVANCE OF MONEY; GUARANTEE OR ENDORSEMENT OF LOAN; OR LETTER OF CREDIT MADE BY ANY PERSON FOR THE PURPOSE OF INFLUENCING ANY ELECTION. "CONTRIBUTION" INCLUDES, BUT IS NOT LIMITED TO:

- a. A TRANSFER OF MONEY BETWEEN ONE (1) POLITICAL COMMITTEE AND ANOTHER (WHICH SHALL BE A CONTRIBUTION TO THE COMMITTEE WHICH RECEIVES THE MONEY);

- b. A GIFT OF MONEY TO OR FOR ANY INCUMBENT IN AN ELECTED CHARTER OFFICE, THE PURPOSE OF WHICH IS TO COMPENSATE THE PERSON FOR PUBLIC SERVICE OR TO HELP DEFRAY EXPENSES INCIDENT THERETO, BUT WHICH ARE NOT COVERED BY OFFICIAL COMPENSATION;
 - c. THE PAYMENT BY ANY PERSON OF COMPENSATION FOR THE PERSONAL SERVICES OF ANOTHER PERSON WHICH ARE RENDERED TO A POLITICAL COMMITTEE;
 - d. A PAYMENT MADE TO A THIRD PARTY AT THE REQUEST OF OR WITH THE PRIOR KNOWLEDGE OF A CANDIDATE OR POLITICAL COMMITTEE OR AGENT OF EITHER;
 - e. A PAYMENT MADE AFTER AN ELECTION TO MEET ANY DEFICIT OR DEBT INCURRED DURING THE COURSE OF A CAMPAIGN;
- b) A LOAN, OTHER THAN A COMMERCIAL LOAN, TO A CANDIDATE OR POLITICAL COMMITTEE, UNTIL THE LOAN IS FULLY PAID. AN UNSECURED LOAN SHALL BE A CONTRIBUTION FROM THE LENDER. A SECURED LOAN OR GUARANTEED LOAN SHALL BE A CONTRIBUTION FROM THE GUARANTOR OR PERSON WHOSE PROPERTY SECURES THE LOAN; AND
 - c) AN UNPAID FINANCIAL OBLIGATION WHICH IS FORGIVEN.

(2) CONTRIBUTION DOES NOT INCLUDE SERVICES PROVIDED WITHOUT COMPENSATION BY ANY INDIVIDUAL WHO VOLUNTEERS ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE OR THE POSTING OF SIGNS ON PRIVATE PROPERTY. CONTRIBUTION DOES NOT INCLUDE ANY COMMERCIAL LOAN.

CONTRIBUTION IN-KIND. A GIFT OR LOAN OF ANY ITEM OF REAL OR PERSONAL PROPERTY, OTHER THAN MONEY, MADE TO OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE FOR THE PURPOSE OF INFLUENCING AN ELECTION OR FOR THE PURPOSE OF DISSEMINATING INFORMATION TO DO SO. CONTRIBUTION IN-KIND DOES NOT INCLUDE SERVICES PROVIDED WITHOUT COMPENSATION BY ANY INDIVIDUAL WHO VOLUNTEERS ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE OR AN ENDORSEMENT OF CANDIDACY OR ISSUE BY ANY PERSON. IN DETERMINING THE VALUE TO BE PLACED ON CONTRIBUTIONS IN-KIND, A REASONABLE ESTIMATE OF THE FAIR MARKET VALUE SHALL BE USED.

CONTRIBUTOR. ANY PERSON WHO MAKES A CONTRIBUTION OR CONTRIBUTION IN-KIND.

ELECTION. ANY TOWN GENERAL, RUNOFF OR SPECIAL ELECTION TO ELECT THE MAYOR OR A COUNCIL MEMBER.

EXPENDITURE

SHALL MEAN THE PURCHASE, PAYMENT, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT OR GIFT OF MONEY OR ANYTHING OF VALUE, MADE BY ANY PERSON FOR THE PURPOSE OF INFLUENCING AN ELECTION. EXPENDITURE INCLUDES A TRANSFER OF MONEY BETWEEN ONE (1) POLITICAL COMMITTEE AND ANOTHER

(WHICH SHALL BE AN EXPENDITURE BY THE COMMITTEE WHICH TRANSFERS THE FUNDS). AN EXPENDITURE OCCURS WHEN THE ACTUAL PAYMENT IS MADE. A WRITTEN CONTRACT, PROMISE, OR AGREEMENT TO MAKE AN EXPENDITURE SHALL BE CONSIDERED AND REPORTED AS AN UNPAID OBLIGATION IF PAYMENT IS THIRTY (30) DAYS OR MORE OVERDUE.

INDEPENDENT EXPENDITURE

"INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY ANY PERSON IN CONNECTION WITH A COMMUNICATION WHICH EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR TAKEN AS A WHOLE AND IN CONTEXT, UNAMBIGUOUSLY URGES A PARTICULAR RESULT IN AN ELECTION, BUT WHICH IS NOT MADE TO OR AT THE BEHEST OF THE AFFECTED CANDIDATE OR HIS OR HER CONTROLLED COMMITTEE.

POLITICAL COMMITTEE. ANY COMMITTEE, CLUB, ASSOCIATION OR OTHER GROUP OF TWO OR MORE PERSONS WHICH RECEIVES CONTRIBUTIONS OR CONTRIBUTIONS IN-KIND AGGREGATING \$500 OR MORE DURING AN ELECTION CYCLE AND WHICH MAKES EXPENDITURES AGGREGATING FIVE HUNDRED DOLLARS (\$500.00) OR MORE DURING AN ELECTION CYCLE. POLITICAL COMMITTEE SHALL INCLUDE A SEPARATE POLITICAL ACTION FUND OR COMMITTEE WHICH IS ASSOCIATED WITH AN ORGANIZATION OR ASSOCIATION FORMED PRINCIPALLY FOR SOME OTHER PURPOSE AND SHALL INCLUDE AN ORGANIZATION OR ASSOCIATION FORMED PRINCIPALLY FOR SOME OTHER PURPOSE INsofar AS IT RECEIVES CONTRIBUTIONS OR CONTRIBUTIONS IN-KIND AND PLACES SUCH CONTRIBUTIONS OR CONTRIBUTIONS IN-KIND IN ITS TREASURY FOR DISTRIBUTION TO CAMPAIGNS.

PERSON

AN INDIVIDUAL, BUSINESS ENTITY, FOUNDATION, ORGANIZATION, COMMITTEE OR ASSOCIATION, NONPROFIT CORPORATION, AND ANY OTHER ORGANIZATION OR GROUP OF PEOPLE ACTING IN CONCERT.

POST-ELECTION CONTRIBUTION. A CAMPAIGN CONTRIBUTION ACCEPTED WITHIN ONE HUNDRED EIGHTY DAYS FROM THE DATE OF THE ELECTION. POST-ELECTION CONTRIBUTIONS MAY ONLY BE USED BY ANY COUNCIL OR MAYORAL CANDIDATE AND ANY CAMPAIGN COMMITTEE OF A COUNCIL OR MAYORAL CANDIDATE FOR ATTORNEY'S FEES AND OTHER COSTS IN CONNECTION WITH AN ELECTION CONTEST OR RECOUNT RESULTING FROM THE ELECTION THAT COMMENCED THE ONE HUNDRED EIGHTY DAY POST-ELECTION CONTRIBUTION PERIOD.

D. APPOINTMENT OF TREASURER BY CANDIDATES AND POLITICAL COMMITTEES

(1) EVERY CANDIDATE AND POLITICAL COMMITTEE SHALL HAVE A TREASURER. THE TREASURER SHALL RECEIVE, KEEP AND DISBURSE ALL MONEY OR OTHER VALUABLE THINGS WHICH MAY BE COLLECTED, RECEIVED OR DISBURSED BY A CANDIDATE OR POLITICAL COMMITTEE, OR BY ANY OF

ITS MEMBERS FOR ANY PURPOSES FOR WHICH SUCH COMMITTEE EXISTS OR ACTS. NO EXPENDITURE SHALL BE MADE FOR OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE WITHOUT AUTHORIZATION OF THE TREASURER OR HIS OR HER DESIGNATED AGENT.

(2) A CANDIDATE MAY NOT SERVE AS THE CANDIDATE'S OWN CAMPAIGN TREASURER, EXCEPT A CANDIDATE WHO HAS NOT RECEIVED, AND DOES NOT INTEND TO ACCEPT, CONTRIBUTIONS IN FURTHERANCE OF SUCH CANDIDATE'S ELECTION FROM ANYONE OTHER THAN THE CANDIDATE OR THE CANDIDATE'S SPOUSE MAY SERVE AS TREASURER IN THE CANDIDATE'S OWN CAMPAIGN.

(3) EVERY CANDIDATE OR POLITICAL COMMITTEE SHALL FILE A STATEMENT OF ORGANIZATION WITH THE TOWN CLERK NO LATER THAN TEN (10) DAYS AFTER BECOMING A CANDIDATE OR POLITICAL COMMITTEE. THE STATEMENT OF ORGANIZATION OF A POLITICAL COMMITTEE SHALL INCLUDE:

- a. THE NAME AND ADDRESS OF THE CANDIDATE, OR THE POLITICAL COMMITTEE AND THE NAME OF THE CANDIDATE OR DESCRIPTION OF THE ISSUES THAT THE POLITICAL COMMITTEE SUPPORTS OR OPPOSES, IF ANY, AND ANY OTHER PURPOSE OF THE COMMITTEE, TOGETHER WITH THE NAMES AND ADDRESSES OF THE PRINCIPAL OFFICERS AND STEERING COMMITTEE; AND
- b. THE NAME, ADDRESS, PHONE NUMBER OF THE TREASURER OF THE CANDIDATE OR POLITICAL COMMITTEE; AND
- c. A LIST OF ANY FINANCIAL INSTITUTION OR DEPOSITORY USED BY THE CANDIDATE OR COMMITTEE.

(4) THE TREASURER OF EVERY CANDIDATE OR POLITICAL COMMITTEE SHALL CERTIFY BY AFFIDAVIT FILED WITH THE TOWN CLERK FAMILIARITY WITH THE PROVISIONS OF THIS ARTICLE. THE AFFIDAVIT SHALL BE FILED WITH THE TOWN CLERK NO LATER THAN TEN (10) DAYS AFTER AN INDIVIDUAL HAS BECOME A CANDIDATE OR THE COMMITTEE HAS BECOME A POLITICAL COMMITTEE AS DEFINED IN THIS CHAPTER. IN THE EVENT THE TREASURER IS REPLACED, THE NEW TREASURER SHALL FILE THE AFFIDAVIT WITH THE TOWN CLERK NO LATER THAN TEN (10) DAYS AFTER BEING APPOINTED.

(5) ANY CONTRIBUTIONS OR CONTRIBUTIONS IN-KIND FOR A CANDIDATE OR POLITICAL COMMITTEE DURING THE ELECTION CYCLE, BUT PRIOR TO BECOMING A CANDIDATE OR POLITICAL COMMITTEE AS DEFINED BY THIS CHAPTER, SHALL BE REPORTED IN THE FIRST REPORT REQUIRED UNDER THIS CHAPTER.

(6) EVERY PERSON WHO RECEIVES A CONTRIBUTION OR CONTRIBUTION IN-KIND ON BEHALF OF A CANDIDATE OR A POLITICAL COMMITTEE SHALL, NO LATER THAN TEN (10) DAYS AFTER RECEIVING SUCH CONTRIBUTION OR CONTRIBUTION IN-KIND, FORWARD TO THE TREASURER SUCH CONTRIBUTION

OR CONTRIBUTION IN-KIND, ALONG WITH THE INFORMATION REQUIRED BY CHAPTER ABOUT THE PERSON MAKING THE CONTRIBUTION OR CONTRIBUTION IN-KIND AND THE DATE OF RECEIPT.

(7) ALL FUNDS OF A CANDIDATE OR POLITICAL COMMITTEE SHALL BE SEGREGATED FROM, AND MAY NOT BE COMMINGLED WITH, PERSONAL FUNDS OF ANY INDIVIDUAL. ALL FUNDS OF A POLITICAL COMMITTEE SHALL BE DEPOSITED IN A FINANCIAL INSTITUTION IN AN ACCOUNT WHOSE TITLE SHALL INCLUDE THE NAME OF THE CANDIDATE OR POLITICAL COMMITTEE. THE ACCOUNT SHALL BE USED SOLELY BY THE POLITICAL COMMITTEE.

(8) THE TREASURER SHALL PRESERVE ALL RECORDS REQUIRED TO BE KEPT BY THIS ARTICLE AND COPIES OF ALL REPORTS REQUIRED TO BE FILED BY THIS ARTICLE FOR ONE (1) YEAR AFTER THE FINAL REPORT REQUIRED HEREIN IS FILED OR UNTIL FINAL DISPOSITION OF ANY COMPLAINT AND CONSEQUENT LITIGATION, WHICHEVER IS LATER. UPON WRITTEN REQUEST OF THE BOARD OF SUPERVISORS OF ELECTIONS, THE TREASURER SHALL MAKE AVAILABLE PROMPTLY FOR INSPECTION OR REPRODUCTION ALL SUCH ACCOUNT BOOKS AND RECORDS.

(9) ALL CONTRIBUTIONS RECEIVED OR DISBURSED BY A CANDIDATE OR POLITICAL COMMITTEE FOR ANY PURPOSE SHALL BE PAID OVER TO AND MADE TO PASS THROUGH THE HANDS OF THE TREASURER AND SHALL BE DISBURSED BY SUCH PERSON. IT SHALL BE A VIOLATION OF THIS CHAPTER FOR ANY CANDIDATE OR ANY MEMBER OF A POLITICAL COMMITTEE TO MAKE ANY EXPENDITURE OR TO DISBURSE OR SPEND ANY MONEY OR ANY OTHER VALUABLE THING FOR ANY PURPOSE UNTIL THE MONEY OR OTHER VALUABLE THINGS SO DISBURSED OR EXPENDED SHALL HAVE PASSED THROUGH THE HANDS OF THE TREASURER. PROVIDED HOWEVER THAT IT SHALL NOT BE UNLAWFUL FOR A CANDIDATE TO EXPEND PERSONAL FUNDS IN FURTHERANCE OF HIS OWN ELECTION, PROVIDED THAT SUCH EXPENDITURE IS REPORTED TO THE TREASURER, AND THE TREASURER'S REPORT INDICATES WHETHER THOSE FUNDS WERE REIMBURSED.

E. REPORTING REQUIREMENTS

EACH CANDIDATE, OR TREASURER FOR THE CANDIDATE, AND THE TREASURER OF EACH POLITICAL COMMITTEE SHALL FILE REPORTS DISCLOSING CONTRIBUTIONS AND EXPENDITURES WITH THE TOWN CLERK. EVEN IF NO CONTRIBUTIONS OR EXPENDITURES HAVE BEEN MADE DURING THE PERIOD COVERED BY THE REPORT, A STATEMENT TO THAT EFFECT MUST BE FILED. REPORTS REQUIRED UNDER THIS SECTION SHALL BE FILED IN HARD COPY AND MUST BE ELECTRONICALLY FILED IN AN ACCEPTABLE FORMAT AT AN ADDRESS DESIGNATED BY THE TOWN CLERK.

(1) INITIAL AND PRE-ELECTION REPORTS. A CANDIDATE'S INITIAL REPORT SHALL BE FILED NO EARLIER THAN THE 35TH CALENDAR DAY PRECEDING THE ELECTION AND NO LATER THAN 4:00 P.M. OF THE 20TH CALENDAR DAY PRECEDING THE ELECTION. THE INITIAL REPORT SHALL INCLUDE ALL

CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE SINCE THE LAST PRECEDING ELECTION. A SECOND REPORT (THE PRE-ELECTION REPORT) SHALL BE FILED ON THE TENTH DAY PRECEDING THE ELECTION, NO LATER THAN 4:00 P.M., WHICH SHALL INCLUDE ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE UP TO THE TIME OF FILING. A POLITICAL COMMITTEE'S INITIAL REPORT SHALL BE FILED EITHER NO EARLIER THAN THE 35TH CALENDAR DAY PRECEDING THE ELECTION AND NO LATER THAN 4:00 P.M. OF THE 20TH CALENDAR DAY PRECEDING THE ELECTION; OR IF THE COMMITTEE IS FORMED EARLIER THAN 90 DAYS PRIOR TO AN ELECTION, AN INITIAL REPORT SHALL BE MADE WITHIN 60 DAYS OF FORMATION. THE INITIAL REPORT SHALL INCLUDE ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE SINCE THE LAST PRECEDING ELECTION. A SECOND REPORT (THE PRE-ELECTION REPORT) SHALL BE FILED ON THE TENTH DAY PRECEDING THE ELECTION, NO LATER THAN 4:00 P.M., WHICH SHALL INCLUDE ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE UP TO THE TIME OF FILING.

(2) A POST-ELECTION REPORT SHALL BE FILED AFTER THE ELECTION, BUT NO LATER THAN 4:00 P.M. OF THE 14TH DAY FOLLOWING THE ELECTION. THIS REPORT SHALL INCLUDE ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE SINCE THE LAST REPORT WAS FILED. A POST-ELECTION REPORT FOR THOSE CANDIDATES INVOLVED IN A RUN-OFF ELECTION IS DUE NO LATER THAN THE 14TH DAY FOLLOWING THE RUN-OFF ELECTION.

(3) IF A CASH BALANCE EXISTS OR ADDITIONAL CONTRIBUTIONS ARE RECEIVED OR IF ANY UNPAID BILLS OR DEFICITS REMAIN TO BE PAID AFTER THE FILING OF THE POST-ELECTION REPORT, THE CANDIDATE OR POLITICAL COMMITTEE TREASURER SHALL CONTINUE TO FILE REPORTS ON A SEMI-ANNUAL BASIS UNTIL SUCH TIME AS THE CASH BALANCE OR OUTSTANDING DEBTS OR DEFICITS HAVE BEEN ELIMINATED AND A REPORT REFLECTING THIS ELIMINATION HAS BEEN FILED. EACH REPORT SHALL INCLUDE ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE SINCE THE DATE THE LAST REPORT WAS FILED.

F. CONTENTS OF REPORTS.

(1) CANDIDATE REPORTS SHALL CONTAIN THE NAME AND ADDRESS OF THE CANDIDATE AND THE PROSPECTIVE OFFICE SOUGHT. REPORTS FILED FOR POLITICAL COMMITTEES SHALL CONTAIN THE NAME OF THE POLITICAL COMMITTEE AND THE NAME AND ADDRESS OF THE COMMITTEE'S TREASURER.

(2) REPORTS SHALL CONTAIN AN ITEMIZED LIST OF ALL CONTRIBUTIONS RECEIVED. THE LISTING OF CONTRIBUTIONS SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON MAKING EACH CONTRIBUTION AND THE DATE THE CONTRIBUTION WAS RECEIVED. IF THE CONTRIBUTION WAS ONE OF MONEY, THE AMOUNT CONTRIBUTED SHALL BE LISTED. IF THE CONTRIBUTION WAS IN ANY FORM OTHER THAN MONEY, THEN THE LISTING SHALL INCLUDE A DESCRIPTION OF THE CONTRIBUTION AND A REASONABLE ESTIMATE OF THE CONTRIBUTION'S FAIR MARKET VALUE.

(3) IF ANY LOANS HAVE BEEN MADE TO THE CANDIDATE OR POLITICAL COMMITTEE DURING THE PERIOD COVERED BY THE REPORT, A COPY OF THE CANDIDATE'S CONSENT AND STATEMENT OF LOAN TERMS SHALL BE ATTACHED TO THE REPORT.

(4) REPORTS SHALL CONTAIN AN ITEMIZED LIST OF ALL EXPENDITURES MADE.

(5) A CANDIDATE'S REPORT OF EXPENDITURES SHALL INCLUDE ANY EXPENDITURES MADE WITH THE KNOWLEDGE OF THE CANDIDATE BY ANY OTHER PERSON OR GROUP OF PERSONS IN THE FURTHERANCE OF THE CANDIDATE'S ELECTION. THE LISTING OF EXPENDITURES SHALL INCLUDE THE AMOUNT OF EACH EXPENDITURE, THE DATE THE EXPENDITURE WAS MADE, THE PURPOSE OF THE EXPENDITURE AND THE NAME TO WHOM THE EXPENDITURE WAS MADE.

(6) REPORTS SHALL CONTAIN A LIST OF ALL POSTAL PERMITS USED FOR THE MAILING OF POLITICAL MATTER AND SHALL STATE THE PERMIT NUMBER AND THE NAME AND ADDRESS OF THE PERMIT'S OWNER. IF THE CANDIDATE OR POLITICAL COMMITTEE IS NOT THE OWNER OF THE POSTAL PERMIT, THE REPORT ALSO SHALL STATE THE TERMS OF ANY COMPENSATION OR ARRANGEMENT UNDER WHICH THE CANDIDATE OR POLITICAL COMMITTEE HAS BEEN ALLOWED USE OF SUCH PERMIT. EXCEPT AS COMPENSATED BY THE CANDIDATE OR POLITICAL COMMITTEE, USE OF SUCH POSTAL PERMIT SHALL CONSTITUTE A CONTRIBUTION IN KIND SUBJECT TO THE REPORTING REQUIREMENTS AND LIMITATIONS OF THIS CHAPTER.

(7) ALL REPORTS SHALL INCLUDE AT THE CLOSE OF THE REPORT AN AFFIDAVIT PERSONALLY SIGNED BY THE CANDIDATE'S TREASURER, OR SIGNED BY THE POLITICAL COMMITTEE'S TREASURER, THAT SHALL READ: "UNDER THE PENALTY FOR FALSE STATEMENT PROVIDED UNDER THE CITY CODE, I DECLARE THAT I HAVE EXAMINED THIS REPORT AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE."

G. DEPOSIT OF PERSONAL FUNDS INTO CAMPAIGN BANK ACCOUNTS

- a) A CANDIDATE MUST DISCLOSE THE SOURCE OF ALL PERSONAL FUNDS DEPOSITED INTO HIS OR HER CAMPAIGN BANK ACCOUNT. IF THE SOURCE OF THE FUNDS IS A LOAN TO THE CANDIDATE, THE NAME AND ADDRESS OF THE LENDER AND THE TERMS OF THE LOAN MUST ALSO BE DISCLOSED.
- b) THE INFORMATION MUST BE REPORTED, ON A FORM PROVIDED BY THE TOWN CLERK, ON OR BEFORE THE DATE OF THE NEXT REPORTING STATEMENT, WHICH MUST BE FILED AFTER THE FUNDS ARE DEPOSITED INTO THE CAMPAIGN BANK ACCOUNT.

- c) A CANDIDATE MAY DEPOSIT PERSONAL FUNDS INTO HIS OR HER CAMPAIGN BANK ACCOUNT UP TO 11:59 P.M. ON THE ONE HUNDRED EIGHTIETH DAY AFTER THE DAY OF THE ELECTION FOR THE PURPOSE OF PAYING OUTSTANDING DEBT.
- d) NO CANDIDATE SHALL MAKE LOANS TO HIS OR HER OWN CAMPAIGN OR CAMPAIGN COMMITTEE WHERE THE OUTSTANDING TOTAL, AT ANY ONE POINT IN TIME, IS MORE THAN TEN THOUSAND DOLLARS.

H. CONTRIBUTION RECEIPTS

(1) A TREASURER MUST ISSUE A RECEIPT FOR EVERY CONTRIBUTION RECEIVED WHETHER IT IS MONEY, GOODS OR SERVICES. THE RECEIPT MUST SHOW THE FULL VALUE OF THE CONTRIBUTION.

(2) ONLY ONE CONTRIBUTOR CAN BE LISTED ON THE RECEIPT. IF A CHECK IS FROM A JOINT PERSONAL BANK ACCOUNT THE RECEIPT MUST HAVE THE NAME OF THE PERSON WHO SIGNED THE CHECK. IF BOTH CONTRIBUTORS SIGNED THE CHECK, THE CANDIDATE MUST DETERMINE HOW MUCH EACH PERSON CONTRIBUTED AND ISSUE A SEPARATE RECEIPT FOR EACH PERSON.

I. PROHIBITED CONTRIBUTIONS AND TRANSFERS

THE FOLLOWING CONTRIBUTIONS AND TRANSFERS TO OR FROM THE CAMPAIGN FUND OF A CANDIDATE ARE PROHIBITED:

(1) ANY CONTRIBUTION RECEIVED FROM AN UNKNOWN PERSON OR SOURCE. ANY CONTRIBUTIONS SO RECEIVED SHALL BE PAID TO THE GENERAL FUND OF THE TOWN AND DESIGNATED TO DEFRAY THE COSTS OF TOWN ELECTIONS.

(2) CONTRIBUTIONS BY A PERSON TO ANY CANDIDATE, POLITICAL COMMITTEE OR TREASURER, DIRECTLY OR INDIRECTLY, IN ANY NAME OTHER THAN THAT PERSON'S OWN NAME. IT SHALL ALSO BE A VIOLATION OF THIS CHAPTER FOR ANY TREASURER WHO RECEIVES A CONTRIBUTION TO REPORT OR ENTER INTO HIS ACCOUNTS THE CONTRIBUTION IN ANY NAME OTHER THAN THAT OF THE PERSON BY WHOM SUCH CONTRIBUTION WAS MADE.

(3) ANY CONTRIBUTION, CONTRIBUTION IN KIND OR VOLUNTEER SERVICE THAT IS COERCED.

(4) ANY CONTRIBUTION MADE IN EXCHANGE FOR AN AGREEMENT BY THE CANDIDATE TO PROVIDE FAVORABLE TREATMENT.

(5) THE TRANSFER OF ANY TOWN CAMPAIGN CONTRIBUTIONS TO ANY OTHER PERSON'S TOWN CAMPAIGN FUND IS PROHIBITED.

(6) THE TRANSFER OF ANY TOWN CAMPAIGN CONTRIBUTION TO ANY OTHER CANDIDATE'S NON TOWN CAMPAIGN FUND IS PROHIBITED.

(7) THE TRANSFER OF ANY TOWN CAMPAIGN CONTRIBUTION TO ANOTHER CAMPAIGN FUND OF THE CANDIDATE.

(8) FROM A FEDERAL POLITICAL PARTY, CONSTITUENCY ASSOCIATION OR A REGISTERED CANDIDATE IN A FEDERAL ELECTION;

(9) FROM A STATE POLITICAL PARTY, CONSTITUENCY ASSOCIATION OR A REGISTERED CANDIDATE IN A STATE ELECTION;

(10) FROM A COUNTY POLITICAL PARTY, CONSTITUENCY ASSOCIATION OR A REGISTERED CANDIDATE IN A COUNTY ELECTION;

(11) FROM A FEDERAL, STATE OR COUNTY GOVERNMENT OR MUNICIPALITY;

(12) FROM THE FOLLOWING:

- a. CHARITABLE ORGANIZATION OR CORPORATIONS THAT HAVE BEEN ESTABLISHED FOR CHARITABLE PURPOSES.
- b. CHARITABLE/NON-PROFIT ORGANIZATIONS RECEIVING FUNDING FROM OR REQUESTING FUNDING, OR SUPPORT FOR FUNDING FROM THE TOWN OF BLADENSBURG.
- c. CONTRIBUTIONS FROM UNIONS AND/OR BARGAINING UNITS FOR EMPLOYEES IN BLADENSBURG.
- d. A CORPORATION OR BUSINESS THAT CARRIES ON BUSINESS IN AND IS REGULATED BY THE TOWN.

J. CAMPAIGN CONTRIBUTION LIMITATIONS

(1) THE TOTAL CAMPAIGN CONTRIBUTION MADE BY ANY PERSON OR POLITICAL COMMITTEE TO ANY COUNCIL CANDIDATE AND ANY COMMITTEE CONTROLLED BY THE CANDIDATE, OTHER THAN THE CANDIDATE IN AID OF HIMSELF OR HERSELF, MAY NOT EXCEED:

- a. FIVE HUNDRED DOLLARS FOR THE GENERAL ELECTION;
- b. FIVE HUNDRED DOLLARS FOR ANY SPECIAL ELECTION;
- c. FIVE HUNDRED DOLLARS FOR ANY SPECIAL RUN-OFF ELECTION, IF ANY.

(2) THE TOTAL CAMPAIGN CONTRIBUTION MADE BY ANY PERSON OR POLITICAL COMMITTEE TO ANY MAYORAL CANDIDATE AND ANY COMMITTEE CONTROLLED BY THAT CANDIDATE, OTHER THAN THE CANDIDATE IN AID OF HIMSELF OR HERSELF, MAY NOT EXCEED:

- a. ONE THOUSAND DOLLARS FOR THE GENERAL ELECTION;
- b. ONE THOUSAND DOLLARS FOR ANY SPECIAL ELECTION;
- c. ONE THOUSAND DOLLARS FOR ANY SPECIAL RUN-OFF ELECTION, IF ANY.

(3) THE TOTAL POST-ELECTION CONTRIBUTION MADE BY ANY PERSON OR POLITICAL COMMITTEE TO ANY COUNCIL OR MAYORAL CANDIDATE AND ANY COMMITTEE CONTROLLED BY THAT CANDIDATE, OTHER THAN THE CANDIDATE IN AID OF HIMSELF OR HERSELF, MAY NOT EXCEED:

- a. ONE THOUSAND DOLLARS FOR THE POST-ELECTION CONTRIBUTION AFTER THE GENERAL ELECTION;
- b. ONE THOUSAND DOLLARS FOR THE POST-ELECTION CONTRIBUTION FOR ANY SPECIAL ELECTION;

- c. ONE THOUSAND DOLLARS FOR THE POST-ELECTION CONTRIBUTION FOR ANY SPECIAL RUN-OFF ELECTION, IF ANY.

(4) NO PERSON SHALL MAKE NOR SHALL ANY PERSON SOLICIT OR ACCEPT ANY CONTRIBUTION WHICH WILL CAUSE THE TOTAL AMOUNT CONTRIBUTED BY SUCH PERSON TO A COUNCIL CANDIDATE, MAYORAL CANDIDATE OR ANY COMMITTEE CONTROLLED BY THAT CANDIDATE, OTHER THAN THE CANDIDATE IN AID OF HIMSELF OR HERSELF, TO EXCEED THE CAMPAIGN CONTRIBUTION LIMITATIONS SET FORTH IN THIS CHAPTER OF THE TOWN OF BLADENSBURG CODE/ORDINANCES.

G. PUBLIC RECORDS. ALL CAMPAIGN FINANCE OR OTHER REPORTS AND STATEMENTS REQUIRED TO BE FILED UNDER THE PROVISIONS OF THIS CHAPTER ARE PUBLIC RECORDS. REQUESTS TO INSPECT OR COPY THESE RECORDS SHOULD BE MADE TO THE OFFICE OF THE CITY CLERK. ALL CONTRIBUTIONS IN EXCESS OF \$25.00 MAY BE POSTED ON THE TOWN'S WEBSITE.

§44-3. POLITICAL MATTER PUBLISHED OR DISTRIBUTED

- a) NO PERSON, CANDIDATE, POLITICAL COMMITTEE OR INDEPENDENT ENTITY SHALL PRINT, PUBLISH, DISTRIBUTE, DELIVER AS AN ELECTRONIC OR TELEPHONE COMMUNICATION, OR BROADCAST OR CAUSE TO BE PRINTED, PUBLISHED, DISTRIBUTED, DELIVERED AS AN ELECTRONIC OR TELEPHONE COMMUNICATION OR BROADCAST ANY POLITICAL MATTER UNLESS SUCH POLITICAL MATTER INCLUDES THE NAME OF THE PERSON RESPONSIBLE FOR THE PUBLICATION, DISTRIBUTION, DELIVERY OR BROADCAST OF THE SAME.
- b) NO PERSON, CANDIDATE, POLITICAL COMMITTEE OR INDEPENDENT ENTITY SHALL EXPEND ANY MONEY FOR PRINTING, PUBLICATION OR BROADCASTING OF ANY POLITICAL MATTER UNLESS SUCH MATTER STATES THAT IT IS A PAID POLITICAL ADVERTISEMENT AND IS PRINTED, PUBLISHED, DELIVERED OR BROADCAST BY THE AUTHORITY OF SUCH PERSON, CANDIDATE, POLITICAL COMMITTEE OR AUTHORIZED REPRESENTATIVE FOR A CANDIDATE OR POLITICAL COMMITTEE.
- c) THIS SECTION IS APPLICABLE TO ELECTRONIC MEDIA SUCH AS E-MAIL, SOCIAL NETWORKS, BLOGS AND MICROBLOGS, E-MAIL/MAIL SUBSCRIPTION LISTS, WEBSITES AND LIKE FORMS OF ELECTRONIC COMMUNICATION. IN THE EVENT POLITICAL MATTER IS DISTRIBUTED THROUGH AN ELECTRONIC MEDIA AND IT IS NOT FEASIBLE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION DUE TO SIZE OR OTHER RESTRICTIONS, THEN THE COMMUNICATION MUST ALLOW THE VIEWER TO CLICK ON THE COMMUNICATION TO ACCESS A HOME, LANDING PAGE OR OTHER SITE THAT DOES DISPLAY THE INFORMATION REQUIRED IN THIS SECTION.

- d) ALL ARTIFICIAL OR PRERECORDED VOICE SYSTEMS TRANSMITTING POLITICAL MATTER VIA TELEPHONE SHALL, AT THE BEGINNING OF THE MESSAGE, STATE CLEARLY THE IDENTITY OF THE INDIVIDUAL, CANDIDATE, POLITICAL COMMITTEE, BUSINESS OR OTHER ENTITY INITIATING THE CALL AND SHALL STATE CLEARLY DURING OR AFTER THE MESSAGE THE TELEPHONE NUMBER OR ADDRESS OF SUCH INDIVIDUAL, CANDIDATE, BUSINESS, POLITICAL COMMITTEE OR OTHER ENTITY.

§44-4 VIOLATIONS-PENALTIES

ANY CANDIDATE WHO, INDIVIDUALLY OR THROUGH A CAMPAIGN COMMITTEE, FAILS TO FILE ANY REPORT AS REQUIRED BY THIS ARTICLE, IF ELECTED, SHALL NOT TAKE OFFICE UNTIL SUCH TIME AS SAID REPORTS HAVE BEEN FILED.

§44-5 VIOLATIONS-PENALTIES INFRACTION-OPTIONS ATTACHED.

Section 2. AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

Section 3. AND BE IT FURTHER ORDAINED that this Ordinance shall take effect 4/10/17..

INTRODUCED by the Mayor and Council of the Town of Bladensburg, at a regular meeting on ^{MARCH} February 20, 2017 and thereafter this Ordinance was prominently posted in the Town Hall available for inspection by the public.

ADOPTED by the Mayor and Council of the Town of Bladensburg, Maryland, at a regular meeting on April 10, 2017.

ATTEST:

TOWN OF BLADENSBURG

By: original signed
Patricia McAuley, Town Clerk

By: original signed
Walter L. James, Jr., Mayor