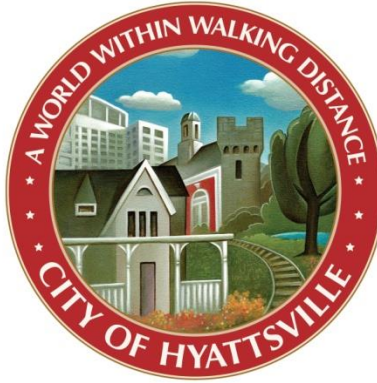




Hyattsville City Council Work Session

Wednesday, February 10, 2016

7:00 PM

Agenda

- 1. Call to Order and Council Roll Call**
- 2. Pledge of Allegiance to the Flag**
- 3. Approval of Agenda**
- 4. Public Comment (7:10 p.m. – 7:20 p.m.)**
- 5. Discussion Items (7:20 p.m. – 9:30 p.m.)**

At the Request of the Council President Haba, Council Vice President Lawrence and Councilmembers Paschall (Ward 3) and Solomon (Ward 5)

- (1) Hyattsville Charter Amendment: Qualifications of Voters (60 minutes)

At the Request of the City Administrator

- (2) Revisions to City Code Chapter 8: Elections (40 minutes)

FY17 Budget Discussion: Follow Up

- (3) Council Budget Priority Discussion: FY17 Operating Budget (15 minutes)
- (4) Council Budget Priority Discussion: FY17 Capital Budget (15 minutes)

- 6. Council Dialogue (9:30 p.m. – 9:35 p.m.)**
- 7. Community Notices and Meetings**
 - (1) Main City Calendar: February 10 - 16, 2016
- 8. Motion to Adjourn**



Discussion Items: Hyattsville Charter Amendment: Qualifications of Voters

SUBJECT: Hyattsville Charter Amendment: Qualifications of Voters

SECTION: Discussion Items

BACKGROUND:

Please see attached revised motion submitted by Council President Haba, Council Vice President Lawrence and Councilmembers Paschall and Solomon. This item was originally discussed during the Council Meeting of January 4, 2016.

A memo detailing feedback from the Board of Elections is also attached. Please note that this memo is reflective of the content original drafted motion. There have been some modifications made to the motion since the date of this memo. The motion included with this agenda item is the most recent version.

Representatives from the Board of Supervisors of Elections and the City Attorney will be present for the discussion to answer questions from the Mayor and Council.

NEXT STEPS:

TBD

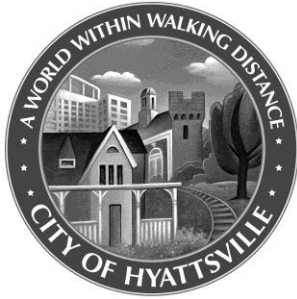
ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Implementation will have staffing and budgetary impact --TBD (to be determined).

STRATEGIC GOALS

Goal: Goal 1 – Ensure Transparent and Accessible Governance


Tracey Nicholson, City Administrator 1/22/2016



Council Agenda Form

MOTION #		DRAFT # 4
DATE SUBMITTED: January 20, 2016	DATE TO GO BEFORE COUNCIL: January 27, 2016	
SUBMITTED BY: Haba, Lawrence, Paschall, Solomon		
DEPARTMENT: Legal, City Clerk, Legislative		

TITLE OF MOTION: Hyattsville Charter Amendment 2015-03 (Qualifications of Voters)

RECOMMENDATION:

I move that the Mayor and Council direct the City Attorney to draft a Hyattsville Charter Amendment changing voter qualifications for Municipal Elections. Hyattsville residents who meet the following qualifications shall be eligible to register and to vote in all City elections, starting in 2017:

- Be a resident of the City of Hyattsville, Maryland;
- Not claim the right to vote elsewhere in the United States;
- Be at least 16 years old to vote;
- Not be under guardianship for mental disability or if you are, you have not been found by a court to be unable to communicate a desire to vote.

The City shall provide a voter registration application, and the Board of Supervisors of Elections of the City of Hyattsville shall maintain a supplemental voter registry, separate from the list of registered voters in the City generated by the Prince George's County Board of Elections. This supplemental voter registry shall include the names of residents who are registered to vote in City elections only. Residents who are not registered to vote with the State of Maryland may register to vote in Municipal elections up to and on the day of an election. Residents who register on the day of an election shall cast a provisional ballot, contingent on application approval by the City's Board of Election Supervisors. The voter registration application shall contain an affidavit, which shall set forth the following information under penalty of perjury: (1) The voter's name and residence address, including the street and number, (2) That the person is a qualified voter at the residence address given, and (3) That the person is not registered to vote elsewhere in the United States. By signing the voter registration application, the applicant swears that all the information on the form is true. Applicants shall be required to provide proof of residency, including name and address of habitation, in the form any of the following: pay stub, bank statement, or utility bill that verifies his or her residency; a Maryland Vehicle Administration identification number; or an affidavit of cohabitation. All Hyattsville residents who meet the City's voter qualifications shall be eligible to serve as an election judge and serve on the City's Board of Election Supervisors.

BACKGROUND:

Many of Hyattsville's new and long-time residents are currently disenfranchised from voting in local elections. Of these residents, some are pursuing a legal path to citizenship, some have opted to retain their foreign citizenship, while others find themselves embroiled in an ineffective and unsettled Federal immigration system. According to CASA de Maryland, approximately 15% of the City's residents are immigrants, most of whom remain voiceless in municipal elections, despite sharing similar day-to-day experiences as their neighbors, such as paying taxes, relying on City services, supporting local businesses, and some having children who attend our local public schools.

Though Maryland ended noncitizen voting rights for state and federal elections in 1851, our state's constitution recognizes the autonomy of local municipalities and localities to grant suffrage in local elections. As of 2012, six Maryland municipalities (Barnesville, Garrett Park, Glen Echo, Martin's Additions, Takoma Park, and Somerset) allow noncitizens to vote in local elections. Hyattsville can join these municipalities by extending the vote to all of its residents who meet the qualifications listed in the motion language above. Such a change in voter eligibility will increase representation and civic involvement in the City, and it will demonstrate that the City of Hyattsville values the day-to-day lives of all of its residents.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

The Board of Supervisors of Elections of the City of Hyattsville will need to maintain a supplemental voter registry and address same-day voting applications.

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator):

Tracey Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

Goal 1 – Ensure transparent and accessible governance

Action 1.1 – Encourage resident participation in City committees, meetings, and elections

SUPPORTING DOCUMENTATION:

CURRENT YEAR BUDGET IMPACT: There is no current year budget impact. However, due to the Board's recommendations, it is likely that the City will need to budget to hire a part-time Registrar in the 2017 budget.

MEMORANDUM

TO: Hyattsville City Council

FROM: Board of Supervisors of Elections of the City of Hyattsville

RE: Draft motion as to qualifications of voters dated November 13, 2015

DATE: December 15, 2015

Introduction

The Board has been asked to comment on the proposed motion referenced above. The motion directs a charter amendment to be drafted which changes the voter qualifications for City elections to allow anyone to vote in City elections who is a resident of the City regardless of United States citizenship so long as they are otherwise qualified. The motion lists four (4) criteria for voter registrants are as follows: the person must (1) be a resident of the City of Hyattsville, Maryland, (2) not claim the right to vote anywhere else in the United States, (3) be at least fifteen (15) years old and (4) not be under guardianship for mental disability (unless no Court has ever found that you are unable to communicate a desire to vote). The motion then directs the City Clerk (*i.e.*, not the Board) to maintain a separate voter registry for only those so qualified and directs that registration shall take place “up to and on the day of an election.”

The motion requires a “City only” voter registration form that contains an affidavit stating the full address of the applicant and a statement that the applicant is a qualified voter at that residence. The motion recites specific items as proof of residency which include any of the following: pay stub, bank statement, utility bill that verifies residency, a Maryland Vehicle Administration ID number or an affidavit of cohabitation. Finally, the motion states that any City resident who meets the four

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December 11, 2015

(4) listed criteria above shall be eligible to serve as an election judge and to be on the Board of Supervisors of Elections.

Discussion

While there are some discrepancies internally in the motion the Board assumes that the motion directs legislation (not simply a charter amendment) that requires the following: (1) deletion of any reference to United States citizenship in voter qualifications for the City provided the applicant wishing to vote is not registered to vote anywhere else in the United States, (2) the creation of a process of voter registration for City only elections and the maintenance of a City registration list by the Board (the proper party to do this) including separate record keeping and updating of those City only voter lists, (3) the allowance of same day registration on advance voting days and on the election day. It is also assumed the motion intends walk in registrations at the City office at all other times. (4) a list of the documents sufficient to prove residency, (5) the deletion of United States citizenship as a requirement for membership on the Board of Elections or to participate as staff election judge in the administration of City elections.

I. United States citizenship.

The Board does not take a position on this particular requirement. The Board feels strongly that the Council is the policy making body on this matter and if the Council wishes to enfranchise residents of the City, the Board will do its best to comply with all such requirements. However, the Board has some concern that the only persons who may register to vote in City elections are those that do not vote elsewhere in the United States. It is very possible that there are residents of the City of Hyattsville who also vote in another State of the Union. The Board is interested in the Council's thoughts on whether a person who votes in the State of Utah but actually lives a great deal of the time in the City of Hyattsville will also be allowed to register to vote in City only elections.

However, the Board is concerned about the third requirement qualification listed that one may be at least fifteen (15) years old. The Board feels that is

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inadvisable. If the Council wishes to enact such a provision, it must set up a voluntary procedure whereby those fifteen (15) or older may be on a separate list and eligible to vote only after their birthday occurs. The Board believes that is the intention of this third provision and believes that needs to be specified clearly. The Board also believes that if the Board is to do this, as well as keep a separate voter registration list that that process needs to be phased in and should not be immediately effective.

II. The City only voter list.

The Board believes that the maintenance of such a list is the Board's responsibility and not the City clerk's responsibility. The City clerk has certainly been helpful to the Board but the Board of Elections is specifically designed to run all aspects of the election including if one is required, registration of City only voters. The Board also believes that a City only voter list must be accompanied by additional budgetary requirements. The City has not had a City only voter list for almost thirty (30) years. The updates as to those on the list will take additional time and the Board will need additional meetings to do so. It will also require further correspondence with these City only voters. More importantly as explained below, the City will need a Registrar who will be in charge of reviewing all registrations, taking applications and analyzing them and assisting people who wish to register to vote. The Board is concerned that the City needs to fund this position at least as a part time position as to the registration of voters and evidence of residency becomes a rather specialized skill. Hence the Board believes the legislation needs to that this would be a staff person who will work for the Board of Elections in addition to the City Clerk, and the position should commence no later than Fall of 2016. The Board feels that creating the position of a Registrar with the proper budget adjustment would be a fair solution.

III. Registration of voters.

As stated above, the City will need to have a Registrar dedicated to reviewing the applications and even assisting those people who wish to register. Of even more importance to the Board is the same day registration requirement on election days.

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The State of Maryland does not allow same day registration on the actual Election Day. It only allows same day registration on the early election days. The reason for this is that the same day registration has the potential to actually make voting for already registered voters more difficult with longer lines. Hence the Board recommends that same day registration, if it is enacted by the Council, shall only occur on early voting days and only if the Registrar is present for the entire day at the early voting days so that the Board and the election judges continue to be free to do their job and service those already qualified. The Board further believes that the procedures for same day registration on any voting day should be phased in and not happen at the next election cycle. The Board is in the process of undertaking new initiatives that include the selection process for an election vendor, possible execution of approved changes to the City's Election Code pertaining to campaign finance reporting and continued efforts to improve communication and coordination with the County Board of Elections. Additionally, the Board will approach the next Election cycle with a focus on refining implementation of new procedures that include increased outreach to newly enfranchised 16/17 year-old voters and fine tuning the early voting process. The addition of the same day registration process is unwise until the other procedures they are working on are running smoothly. Hence if the Council allows same day registration they should project it into the future and give a date when the Board should implement such a procedure, for example, four (4) years after the enactment of the ordinance. The Board also feels that same day registration should not be allowed on an actual election day.

IV. Documents, proof of residency.

The Board understands that the motion makers are trying to open up voting to bona fide residents. However, the Board feels that legislation listing specific items proving residence should not be included in any legislation. The Board is cognizant that the Maryland election law on registration states the following: an applicant to register to vote must produce (1) a Maryland driver's license or Maryland identification card that contains the applicant's current address or if the applicant does not have a driver's license or identification card that contains the applicant's current address, a copy of an official document that (a) meets the requirements

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established by the Board and contains the applicant's name and current address. The Board is recommending that the Board set those criteria rather than the language of the proposed motion. The Board is concerned that pay stub information and bank statement information is not sufficient proof of residency, nor is a utility bill which really only proves that the person owns property in the City. Actually, the Board has no idea what the affidavit of cohabitation is about and is very doubtful of its use to prove residency. Hence the Board is advocating a more flexible approach to this than the motion proposes.

V. Non citizens administering City elections.

The Board recommends that this provision be deleted from the proposed legislation. The legislation on its face states it is about the enfranchisement of people currently not allowed to vote. The Board, and not the Council, is charged with the integrity of the election process in the City and ensuring that all those who can vote will be given the opportunity to vote. The right to vote is the defining essential of our government and the integrity of that process must be ensured. The Board believes that elections should be administered at this time only by U.S. Citizens and that provision in the motion should be deleted.

Attachment: Memo re qualification of voters_FINAL_121515 (1412 : Hyattsville Charter Amendment: Qualifications of Voters)



Discussion Items: Revisions to City Code Chapter 8: Elections

SUBJECT: Revisions to City Code Chapter 8: Elections

SECTION: Discussion Items

BACKGROUND:

The Board of Supervisors of Elections has been working with the City Attorney and City Clerk on updating the City's Election Code. The proposed revisions include the following changes/updates.

1. The addition of a section to define key terms
2. Detailed explanation of the powers and duties of the Board of Supervisors of Elections
3. A proposed process for the handling and reviewing complaints made to the Board
4. Proposed changes to campaign finance reporting requirements for candidates

The Council had an initial discussion on the proposed changes on January 4, 2016. Changes have been made to the Code based on initial feedback from the Council. A summary of the changes is listed below and will be reviewed at the Council work session.

1. Section 8-16, Deadlines for filing finance reports: Revised timeline for submission of reports and change in name of reports for clarity.
2. Section 8-21 (E), Separate Campaign Account: A threshold amount of \$200 was added to the requirement to establish a campaign bank account. Candidates who receive total contributions of less than \$200 will not be required to set up a campaign bank account.
3. Section 8-29 (B), Delivery of Ballot: Revised to eliminate reference to a previously deleted section of the Code and remove specific reference to the Federal Voting Assistance Act of 1955. The revised section now references all applicable federal law pertaining to postal privileges for the purposes of an election mailing.

NEXT STEPS:

Based on additional feedback from the Council, the City Attorney will make any necessary changes to the Code and this item will return to Council in Ordinance form for additional discussion and/or action on a future agenda.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

The City Attorney, Board of Elections and City Clerk will work together to address any necessary changes and implementation of new policies and procedures for the next City Election scheduled for May 2017.



Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/10/2016 7:00 PM

Department: Clerk's Office

Prepared by: Laura Reams

Sponsors: At the Request of the City Administrator

DOC ID: (ID # 1432)

5.2

Discussion Items: Revisions to City Code Chapter 8: Elections

STRATEGIC GOALS

Goal: Goal 4 – Foster Excellence in all City Operations


Tracey Nicholson, City Administrator 2/5/2016

Chapter 8 ELECTIONS

ARTICLE I

General Election Procedures

- § 8-1. Definitions, and Powers and Duties of Board.
- § 8-2. Election Day, Advance Voting Day, Absentee voting.
- § 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability.
- § 8-8. Contests and appeals.
- § 8-9. Runoff elections.
- § 8-10. Campaign materials; authority line; penalty.
- § 8-11. Provisional voting.

ARTICLE II

Campaign Finance

- § 8-15 Reports Required.
- § 8-16 Deadline for filing reports.
- § 8-17 Form; Affirmation of report.
- § 8-18 Special reporting requirements.
- § 8-19 Appointment of Campaign Treasurer.
- § 8-20 Failure to appoint a treasurer or file reports.
- § 8-21 Restrictions on Campaign Contributions.
- § 8-22 Restrictions on Use of Campaign Funds.
- § 8-23 Penalties.

ARTICLE III

Absentee Ballots

- § 8-27 Application Form for Absentee Ballot.
- § 8-28 Contents of Application for Absentee Ballot.
- § 8-29 Absentee Ballots; Review of Applications, Delivery and Maintenance of Records.
- § 8-30 Form and Contents of Absentee Ballots.
- § 8-31 Instructions to voters.
- § 8-32 Absentee Ballots; Procedure for Assistance.
- § 8-33 Procedure for Counting and Canvassing Absentee Ballots.
- § 8-13 Penalty.

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ARTICLE IV

Complaints

- § 8-40 Filing Procedure for Complaints.
- § 8-41 Investigation of Complaints.
- § 8-42 Procedure When Violation of Chapter Not Found.
- § 8-43 Procedure When Violation of Chapter is Found.
- § 8-44 Board Hearings Generally.
- § 8-45 Board Action When Violation of Chapter Not Found.
- § 8-46 Board Action When Violation of Chapter Found.

[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; see Ch. 1, amended 02-20-07 by HO-2007-03]

General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

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

ARTICLE I

General Election Procedures

§ 8-1. Definitions, and Powers and Duties of Board.

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

Board: Board of supervisors of elections for the city.

Candidate: Individual who seeks nomination for election, or seeks election, to city office.

Contribution: A gift, in-kind, contribution, or promise of gift of money, donated to any candidate or representative or political committee.

Contributor: Any person who makes a contribution or expenditure, of cash or in-kind contribution, to or on behalf of a candidate or political committee.

Election: General or special elections, referenda or other questions at any election held by the City.

Expenditure: Any transfer, disbursement or promise of money or valuable thing (in-kind contribution), by a candidate, treasurer, or other agent of such candidate, or political committee to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

Foreign National: A foreign government, foreign political party, foreign corporation, foreign association or partnership, individual with foreign citizenship, immigrants

Attachment: Chapter 8 only_revision 020516 (1432 : Revisions to City Code Chapter 8: Elections)

without green cards. A United States citizen living abroad and an immigrant with a green card shall not be considered a foreign national.

In-kind contribution: Anything of value, other than a gift or promise of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate, political committee or proposition submitted to a vote of any election.

Person: A corporation, business, other legal entity or an individual.

Political committee or “committee”: Any combination of two (2) or more persons formed in any manner, which independently collects or expends a cumulative amount of one hundred dollars (\$100.00) or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office or any cause to be submitted to the voters.

Report: A report of expenditures, loans, and contributions (in-kind or cash) received by any candidate or political committee.

Surplus campaign funds: Funds left in a candidate’s account after the election is certified and all campaign debts, including all loans, have been paid.

Treasurer: Any person appointed by a candidate or political committee to receive or disburse money or other things of value to promote or assist in the promotion of any candidate or proposition.

B. Powers and Duties of the Board of Supervisors of Elections.

In addition to any power, duty or responsibility provided in the City Charter, the Board of Supervisors of Elections shall be in charge of all City elections. The Board shall:

- (1) Issue and maintain all election records in a separate filing system provided by the City.
- (2) Provide for the nominations for elected City officers and verify the eligibility of election candidates, which includes reviewing and certifying petitions for office as outlined in this chapter, and verifying that such candidates are residents of the City.
- (3) Make recommendations to the Mayor and City Council concerning the number and location of election polling places.
- (4) Provide, receive, review and certify that campaign reports from candidates are timely and complete as outlined in the Elections Code.
- (5) Coordinate city staff, with the approval of the City Administrator, to assist and support the Board in its official duties.
- (6) Provide for voting by absentee ballot and provisional ballot.
- (7) Validate the authenticity of returned absentee ballots and completed provisional ballots.
- (8) Provide a form for the certificate of polling place challengers and watchers.

- (9) Select and train election judges to assist in the operation of the polling places on election day. The Board shall also oversee the operations of the polling places.
- (10) Issue the official election ballot.
- (11) Certify all election results.
- (12) Provide for recount of ballots.
- (13) Administer and enforce all election laws.
- (14) Administrative review. The Board shall investigate and/or conciliate any written complaints and shall hold hearings and make determination on any alleged violations of the elections provisions of the Charter or elections ordinance of the City Code. The Board shall promptly inform the City Administrator of any hearing. The Board, when conducting administrative review, shall be granted the following powers to:
- a. Investigate complaints filed with the Board of matters of election practices or other matters within the jurisdiction of the Board.
 - b. Dismiss complaints.
 - c. Conciliate complaints.
 - d. Summons concerned parties to hearings.
 - e. Conduct hearings.
 - f. Adopt rules and procedures for the conduct of hearings.
 - g. Implement enforcement actions, which include cease and desist orders, and the ability to make recommendations to the City Administrator to impose civil penalties not to exceed one thousand dollars (\$1,000.00). The Board shall have the power to seek judicial enforcement of its decisions by application to courts of competent jurisdiction for injunctions, mandamus and other appropriate judicial review when conducting an administrative review. The Board may also refer complaints to the office of the state's attorney for prosecution as the circumstance may warrant.
 - h. Hearings conducted by the Board shall be open to the public. Either the complaining party or the respondent may request, in writing, a closed hearing. However, unless the Board finds a compelling reason to close the hearing (and closing is allowed by State law), the request shall ordinarily be denied. The deliberations of the Board shall not be public. The Board shall have the power to summon all witnesses it deems necessary. The hearing shall be held not less than seven (7) days, unless the Board determines that emergency circumstances require an earlier hearing, and not more than thirty (30) days after service of the statement of charges and summons. The summons so issued must be signed by the chairperson of the Board or a designee and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute violation of this chapter. The complaining party or parties and the respondent may, at their option, appear

before the Board in person or by duly authorized representative(s) and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath, or by affirmation. The Board shall keep a full record of the hearing. If the hearing is public, the record shall be open to inspection by any person, and, upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, if any, at such charges as are necessary to meet costs. The Board may extend the time for any hearing and the issuance of any finding, opinion and orders. The Board has the power to adopt rules and procedures with reference to the conduct and manner of these proceedings.

§ 8-2. Election Day, Advance Voting Day, Absentee voting. [Amended 2-9-09 by HO-2009-04]

A. Election Day for Special Elections and referenda shall ordinarily be done on a Tuesday as set by the City Council.

B. If the City Council **or Board of Supervisors of Elections** provides for an advance voting day in any referendum or Election, unless otherwise directed, the Saturday immediately before Election Day shall be an advance voting day when the polls shall be open to qualified voters at the times and places specified and advertised by the Board of Supervisors of Elections. The polls shall be open for a minimum of eight (8) hours on any advance voting day **that occurs on a weekend. In no event will an advance voting date be set more than fifteen (15) days before Election Day.**

C. Any person qualified to vote in the Election may vote by absentee ballot, but only pursuant to the provisions of this Article I.

§ 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Registration Officers and Judges and Clerks of Elections appointed by the City Council or by the Board shall be registered voters of the City and citizens of the United States. They shall, before entering upon their duties, take the oath required by law for all registration and election officials.

B. This chapter applies to elections as defined in this chapter.

§ 8-8. Contests and appeals. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

Contests concerning voting or the validity of any ballot under this chapter shall be decided by the Board of Supervisors of Elections. No ballot shall be rejected except by the unanimous vote of the entire Board. Any candidate or absentee voter aggrieved by any decision or action of such Board shall have the right of appeal to the Circuit Court for Prince George's County, Maryland. Such appeals shall be taken by way of petition filed with the court within five (5) days from the date of the completion of the official canvass by the Board of all the votes cast at any election and shall be heard de novo and without a jury by said court as soon as possible. There shall be a further right of appeal to the Court of Appeals, provided that such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and all

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such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal.

§ 8-9. Runoff elections. [Added 5-5-86 by HB No. 3-86]

A. If, at any election directed by the Charter, any two (2) or more candidates for the office of Mayor or Councilmember who have received the highest number of votes shall have received an equal number of votes, or the vote upon any referendum shall result in a tie, a special election shall be ordered by the Board of Election Supervisors.

B. The special election shall be held within three (3) months of the election at which the tie vote occurred, shall be only for those offices for which the equal number of votes was cast or referendum questions which resulted in a tie vote and shall be conducted in the same manner as provided in the relevant sections of Article IV of the Charter.

§ 8-10. Campaign materials; authority line; penalty. [Added 2-20-2007 by HO-2007-03]

A. For the purposes of this Code, “campaign material” means any material that:

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

B. Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

C. The authority line need state only the name and title of the responsible person if:

- (1) The name and address of the responsible person has been filed with the City Clerk; or
- (2) The campaign material item is too small to include all the information specified in paragraph (B) of this section in a legible form.

D. Any material that is published or distributed in support of or in opposition to a candidate without being directly or indirectly authorized by the candidate as provided above in Subsection (A)(3) may and ordinarily should include the following statement: “this message has been authorized and paid for by (name of payer or any organization affiliated with the payer). This message has not been authorized or approved by any candidate.”

E. It shall be unlawful for any person to knowingly publish or distribute for the purpose of influencing votes any materials with a false or incorrect authority line. Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties including a five hundred dollar (\$500.00) fine and/or imprisonment for thirty (30) days.

§ 8-11. Provisional Voting. [Added 12-1-14 by HO 2014-09]

Attachment: Chapter 8 only_revision 020516 (1432 : Revisions to City Code Chapter 8: Elections)

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A. Eligibility. An individual is eligible to cast a provisional ballot if:

- (1) The individual declares in a written affirmation under oath submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election, and
- (2)
 - (i) The individual's name does not appear on the City's election register or list of voters; or
 - (ii) An election official asserts the individual is not eligible to vote.

B. Application. Before an individual casts a provisional ballot,

- (1) The individual shall complete and sign the provisional ballot application prescribed by the Board of Elections Supervisors, and
- (2) The individual shall be given a data sheet on how the voter may obtain information on whether the vote was counted or not counted and the reasons therefore.

C. Locations and procedure.

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

D. Special envelopes.

When voted, a provisional ballot shall either be enclosed in an envelope designated for such ballots or stored in an electronic format as specified by the Board of Elections.

E. Penalties.

Any person who is convicted of violation of any of the provisions of this section or of making a false statement pursuant to an application for a provisional ballot shall be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for no more than six (6) months, or both.

F. Canvass of provisional ballots.

- (1) The Board of Elections shall adopt regulations regarding the handling and canvassing of provisional ballots.
- (2) An envelope of a provisional ballot shall not be opened until the Board of Elections has approved the provisional ballot application.
- (3) The Board of Elections may not reject a provisional ballot except by unanimous vote.
- (4) The Board of Elections shall reject a provisional ballot if:
 - (i) The individual is not qualified to vote in the election;
 - (ii) The individual failed to sign the oath on the provisional ballot application;
 - (iii) The individual cast more than one (1) ballot for the same election; or
 - (iv) The provisional ballot is marked by an identifying mark that is clearly evident and can be used to identify the ballot.

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(5) The Board of Elections shall establish a system that any individual who casts a provisional ballot may access whether the ballot was counted.

ARTICLE II

Campaign Finance

[Added 4-9-07 by HO-2007-07]

§ 8-15. Reports required. [Amended 12-1-14 by HO 2014-10]

A. Each candidate for the Office of Council or Mayor and the candidate's designated campaign treasurer shall file with the City Clerk reports as specified below which shall list individually each and every contribution and expenditure **as defined in this chapter** in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions.

B. Any political committee making expenditures in excess of one hundred dollars (\$100.00) to assist in the promotion of the success or defeat of any candidate or slate of candidates for elective office or to advocate a position on any cause to be submitted to the voters, shall file reports in accordance with this Article.

C. Unless otherwise provided, any report shall include contributions received or expenditures made by the candidate or, made by any other person with the knowledge of the candidate or the candidate's treasurer. Reportable contributions and expenditures shall include cash, campaign signs, brochures, postage, advertisements, professional services (*i.e.*, the entity or person is or has been compensated for similar services regularly on a full or part-time basis outside of the campaign) and any other material used for the campaign.

D. All reports filed shall be available for examination by any member of the public during normal office hours of the City Clerk.

E. In this Article II the term "candidate" shall include any individual who has not registered as a candidate, but is actively running for elected office in a City election, or any individual who shall be declared as elected by the Board of Supervisors of Elections. **The Board shall determine the applicant's campaign finance report(s) to be filed by such a "candidate."**

§ 8-16. Deadline for filing reports; Review by Board.

A. When there is no advance voting day the following deadlines for campaign reports shall apply:

1. **Initial Report** - An initial report shall be filed on the 15th day preceding the election day including all reportable contributions and expenditures made since the last preceding election.

2. **Second Report** - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. **Third Report** - A third report shall be filed on the 7th day following the election day and shall include all reportable contributions and expenditures made since the last preceding election.

Attachment: Chapter 8 only_revision 020516 (1432 : Revisions to City Code Chapter 8: Elections)

B. When there are advance voting days, the following deadlines for campaign reports shall apply:

1. **Initial Report** - An initial report shall be filed on the 5th day preceding the first advance voting day and shall include reportable contributions and expenditures made since the last preceding election.

2. **Second Report** - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. **Third Report** - A third report shall be filed on the 7th day following the election and shall include reportable contributions and expenditures made since the last preceding election.

C. **Further Reports** - if a final report reflects a cash balance, unpaid bills or a deficit greater than five hundred dollars (\$500.00), an annual report shall be filed on or before December 31 of each year, until the cash balance, unpaid bill(s) or deficit is eliminated and a report reflecting such is filed with the City Clerk's Office. Each report filed shall include all contributions and expenditures made or received since the previous report.

D. Reports must be filed by 5:00 p.m. of the day they are due.

E. The Board shall appoint a qualified voter of the City with some expertise in reading financial statements to promptly review all reports filed, which person shall notify the Board of any irregularities, discrepancies or errors, recommend action to the Board; and attempt to assist the persons reporting to correct any deficiencies.

§ 8-17. Form; affirmation of report.

A. 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 **and shall include the receipts for all expenditures, dates, amounts and information to identify each contributor and recipient of funds.**

B. Each report shall include any balance remaining from the last reporting period (including prior elections), as well as all contributions received and expenditures made from the day of the filing of the last report (if any) through the day preceding the filing of the report.

§ 8-18. 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. In a case where the total contributions for the campaign (excluding contributions by the candidate, or the candidate's spouse/domestic partner) are less than fifteen hundred (\$1,500.00) dollars for a Councilmember candidate or five thousand (\$5,000.00) dollars for mayoral candidate, the candidate may file an abbreviated report that attests under oath that the contribution limits outlined herein were not exceeded, and states the total contributions, the

contributions outlined in subsection (a) above, and the contributions outlined in section 8-15. **Nothing in this section 8-18 waives the requirements of reporting all expenses.**

§ 8-19. Appointment of Treasurer.

A. Each candidate or political shall appoint one treasurer and shall file the name and address of the treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the City Clerk, no less than thirty (30) days prior to the election. **In the event of the resignation of an appointed treasurer, the candidate or committee must immediately inform the Board and shall within seventy-two (72) hours appoint a new treasurer and so inform the Board in writing.**

B. A candidate **or member of the political committee** may serve as the treasurer so long as the candidate **or committee** has not received and does not intend to receive a total of reportable contributions more than fifteen hundred dollars (\$1,500.00) excluding contributions **to a candidate's campaign if made** by a candidate or the candidate's spouse.

C. In the event the contributions exceed the amount in subsection (b) immediately above, the candidate **or committee** must report such to the clerk, and appoint a treasurer and file the appropriate form within two (2) days.

§ 8-20. Failure to appoint a treasurer or file reports.

A. The Board of Election Supervisors or the clerk shall promptly send a written notice to any candidate **or committee** who fails to appoint a treasurer or to file timely campaign finance reports. Such notice shall be posted on the City's website and on the City's bulletin board.

B. The Board of Election supervisors is responsible for ensuring that all forms and campaign finance reports are in substantial compliance with this chapter. If the Board identifies a reporting inaccuracy or deficiency, they shall notify the candidate and candidate's treasurer in writing. A corrected report shall be filed within seven (7) days of such notice, unless the Board waives such inaccuracy or deficiency for good cause, with or without a hearing.

C. Failure to file a corrected report within seven (7) days after a notice from the Board or the Clerk is sent shall render the report overdue.

§ 8-21. Restrictions on Campaign Contributions.

A. Maximum contribution. The maximum contribution per contributor for any one candidate **or committee** shall be no more than five hundred dollars (\$500.00) for any City election. No candidate or political committee may accept money from any contributor if the contributor has previously contributed five hundred dollars (\$500.00) to the election or issue.

B. Maximum contribution. No candidate or political committee or any person acting on behalf of a candidate or political committee may accept a contribution in excess of five hundred dollars (\$500.00) from any one person (or entity) in any election.

C. Prohibitions. No candidate or political committee shall accept any contribution from a(n) (1) anonymous contributor or (2) foreign national. Any such contribution shall be promptly paid over to the City to be used for any public purpose.

D. Candidate and spouse contributions. The contributions of a candidate or the candidate's spouse to the candidate's own campaign shall not be subject to the limitations of this Section 8-21, but monetary contributions must pass through the candidate's campaign account and be reported.

E. Separate campaign account. When the contributions received by a candidate or political committee exceed a total of two hundred dollars (\$200.00), all funds must be deposited in a campaign account opened with a financial institution and such funds must not be commingled with any other funds or accounts.

F. Loans for a campaign.

(1) A loan to a candidate is considered a contribution unless: (a) the loan is from a financial institution or other entity in the business of making loans or (b) the loan is to the candidate and repayment is personally guaranteed by the candidate and is due within one year of the date of the loan.

(2) A loan by the candidate or his spouse is exempt from the requirements of this subsection.

(3) The total amount of all loans to a candidate or committee for any election shall not exceed five thousand dollars (\$5,000.00). Amounts spent by candidate of his/her own money shall not be limited by this subsection.

§ 8-22. Restrictions on Use of Campaign Funds.

A. No cash withdrawals shall be allowed.

B. Campaign funds shall not be used to pay a fine for a violation of this Chapter.

C. No person other than a candidate, treasurer, political committee or other agent with specific written authorization by the candidate or political committee, shall make an expenditure from the campaign account.

D. Disposition of surplus funds. After an election, a candidate or political committee may retain surplus funds or surplus funds may be disposed of as follows:

(1) Returned, pro rata, to the contributors by the treasurer; or

(2) Paid to a charitable organization registered pursuant to Article 41, Section 103B, of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, Section 103 of the Annotated Code of Maryland, as amended; or

(3) Paid to a local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or

(4) Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

§ 8-23. Penalties. [Amended 12-1-14 by HO 2014-10]

A. The City Ethics Commission shall have non-exclusive jurisdiction to investigate and decide any violations of this Article II. **The City Administrator shall monitor and make**

appropriate recommendations to the Board and the Ethics Commission in the event of duplicative hearings.

B. The penalties recited in this section are cumulative so that the imposition of one or more of the penalties does not preclude the imposition of any other penalty outlined in this section.

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

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

E. It shall be a misdemeanor for any person, including a treasurer or candidate for public office to willfully violate or cause or allow a violation of this Article II. Upon conviction, a fine of up to one thousand dollars (\$1,000.00) may be imposed by the Court.

F. The Board may impose a fine of two hundred (\$200.00) dollars on any unsuccessful candidate and the candidate's treasurer if the final report as described in section 8-14 above is more than seven (7) days late. The Board shall have the power to waive or reduce the penalty for good cause with or without a hearing.

G. The Board may at its discretion choose not to qualify as a candidate any individual who in any previous campaign as a candidate has not filed all required reports. The Board shall not qualify as a candidate anyone who has consistently failed to observe any required procedures regarding election in previous campaigns. The Board shall have discretion to consider any mitigating circumstances in any ruling on a candidacy.

ARTICLE III

Absentee Ballots

§ 8-27. Application Form for Absentee Ballot. [Added 5-3-76; Amended 12-19-83 by HB No. 15-83; 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03]

A. Printed forms of applications for absentee ballots in accordance with the requirements of this chapter shall be provided by the Board and shall be available to any qualified voter.

B. The Board of Supervisors of Elections shall prescribe the forms of application for candidacy, absentee registration and ballot, application for absentee ballot by registered voter, and related affidavits and statements for consideration by the Mayor and City Council as the Board deems necessary.

§ 8-28. Contents of Application for Absentee Ballot. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A qualified voter desiring to vote at any election as an absentee voter shall make an application, in writing, to the Board for an absentee ballot. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury:

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- A. The voter's name and residence address, including the street and number.
- B. That the person is a qualified voter at the residence address given.
- C. If the person voted at the preceding election, the residence address from which he voted.
- D. The address to which the ballot is to be mailed, if different from the resident address.

§ 8-29. Absentee Ballots: Review of Applications, Delivery and Maintenance of Records. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Rejection of application. Upon receipt of an application containing the affidavit, the Board shall reject the application only upon the unanimous vote of the entire Board and, when rejected, shall notify the applicant of the reason therefor, if it determines, upon inquiry, that the applicant is not legally qualified to vote in the election.

B. Delivery of ballot. If the applicant is a qualified voter as stated in his/her affidavit, the Board shall, as soon as practical thereafter, deliver to him/her at the office of the Board or mail to him/her at an address designated by him/her an absentee voter's ballot. If the applicant is one with respect to whom free postage privileges are provided for by any other federal law, rule or regulation, the Board shall take full advantage of these privileges. In all other instances, postage for transmitting ballot material to voters shall be paid by the voters. If the ballots are to be sent by mail, the determination required in Subsection A of this section shall be made in such time as will allow the sending and return of the ballots by regular mail, depending on the mailing address, and including at least one (1) day for marking the ballots and completing the affidavit.

C. Record of applications received and ballots delivered.

(1) The Board shall keep a record of applications for absentee voters' ballots as they are received; showing the date received and the names and residence of the applicants, and such record shall be available for examination by any registered voter.

(2) After approval of an application for an absentee ballot and the mailing/delivery to the applicant of an absentee ballot, then the voters record card in the precinct binder shall be removed and placed in a separate binder marked "registered absentee voters" and retained in the office of the Board. A marker shall be placed in the regular precinct binder with the voter's name and shall record the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at any polling place.

D. One (1) ballot per applicant. Not more than one (1) absentee ballot shall be mailed to any one (1) applicant unless the Board has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed or spoiled.

§ 8-30. Form and Contents of Absentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Printing of ballots for absentee voters, envelopes and instructions. In sufficient time prior to any election, the Board shall have printed an adequate number of absentee ballots, the three (3)

kinds of envelopes described in this section and the instructions to absentee voters as set out in § 8-9 of this chapter.

B. Absentee ballots, in the discretion of the Board, will be in the form of paper ballots. The form and arrangement of all absentee ballots shall be as prescribed by the Board of Supervisors of Elections.

C. Format and printing of ballots. The ballots shall contain the words “absentee ballot” printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: “Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark.” The designation of the election ward shall be left blank on paper ballots on the back and outside of said ballots, and such designation shall be filled in by the Board before being sent to any registered absentee voter. All candidates shall be listed by office and alphabetically within the office. Referendum questions shall follow the listing of candidates for all offices.

D. Envelopes. The Board of Supervisors of Elections shall prescribe the size, form and printed content of the absentee ballot material envelopes, providing for a covering envelope, a ballot envelope and a return envelope.

§ 8-31. Instructions to voters. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

Printed Instructions. The printed instructions for the casting of absentee ballots shall be prescribed by the Board of Supervisors of Elections, and it shall prescribe instructions for paper ballots.

Restrictions regarding Ballots. No completed ballot shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for his/her own ballot or that of his/her immediate family member or a member of his/her household.

Delivery. Completed ballots during voting hours may be hand-delivered to the City Clerk’s Office during normal business hours or to the board of Supervisors of Elections during voting hours at the voting places on any Election Day or advance of Election Day, or at a place and time designated by the Board of Supervisors of Elections for receiving such.

§ 8-32. Absentee Ballots; Procedure for Assistance. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Application procedure for voting. Any qualified voter shall make application for an absentee ballot as provided in this chapter. The completed application shall be filed in the office of the Board of Supervisors of Elections not later than 10:00 a.m. on the last day the City offices are open for regular business prior to Election Day. No completed application shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for his/her own application or that of his/her immediate family member or a member of his/her household. Upon receipt of a completed application, the Board shall mail or provide to the voter entitled thereto an absentee ballot.

B. Assistance in marking ballot. Any otherwise qualified voter who is blind, physically challenged or impaired and is for one (1) of these reasons unable to mark his/her absentee ballot and sign the required oath may be assisted in voting by any person selected by the voter.

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Any person rendering assistance pursuant to this subsection must execute the certification of the oath of person assisting absentee voter form.

§ 8-33. Procedure for Counting and Canvassing Absentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

A. Opening or unfolding ballots. The Board shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the canvass of the absentee ballots.

B. Procedure generally. No absentee ballot shall be counted if it is received by the Board of Supervisors of Elections after the closing of the polls on Election Day. Immediately following the canvass of the votes cast at the regular voting places in the City on Election Day, the Board shall meet at the usual office of the Board and shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes received by it prior to the closing of the polls on Election Day. No ballot shall be rejected by the Board except by the unanimous vote of the entire Board. This canvass shall be conducted by ward in accordance with the applicable provisions of § C4-11 of the City of Hyattsville Charter. All absentee voters' applications, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time the Board shall be ordered by a Court of competent jurisdiction to keep the same for any longer period.

C. Ballot voted for person who has ceased to be a candidate. Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate, but such vote shall not invalidate the remainder of such ballot.

D. Death of voter before Election Day. Whenever any Board shall determine from proof of investigation that any person who has marked and transmitted or deposited in person with the Board an absentee ballot, whether under act of Congress or the provisions of this chapter, has died before election day, said Board shall not count the ballot of said deceased voter, but it shall be preserved by the Board for six (6) months and may then be destroyed. If, at or prior to the time of such counting and canvassing, the Board shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

E. Placement of ballots in absentee ballot box and entry in registry; more than one (1) ballot in envelope; marking ballots. If the Board determines that the provisions for filling out and signing the oath on the outside of the ballot envelope have been substantially complied with and that the person signing the voter's oath is entitled to vote under this chapter in any ward of the City, as the case may be, and has not already voted therein on election day, it shall open the ballot envelope and remove the ballot therefrom and place it in an absentee ballot box. When any ballot envelope is opened, the Board shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, using the initials "AB" to indicate the vote has been by absentee ballot. If there is more than one (1) ballot in the ballot envelope, all shall be rejected. Absentee ballots may be marked by any kind of pencil or ink.

F. More than one (1) ballot received from the same person. If the Board receives from the same person prior to the closing of the polls on Election Day more than one (1) absentee ballot,

Attachment: Chapter 8 only_revision 020516 (1432 : Revisions to City Code Chapter 8: Elections)

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it shall count, certify and canvass only the absentee ballot with the earliest date, or, if both are undated or dated the same, none of the ballots received from such person shall be counted.

§ 8-34. Penalty. [Added 2-20-07 by HO-2007-03]

Anyone who willfully signs any false application or oath or who willfully does any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote or to aid another in doing so or who willfully violates any of the provisions of this Chapter or who applies for a ballot under any other name than his/her own name shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or to imprisonment of not more than ninety (90) days, or to both, at the discretion of the Court.

ARTICLE IV

Complaints

§ 8-40. Filing Procedure for Complaints.

Any person who is a qualified voter of the City believes that a violation of this chapter or a provision of the City Charter has occurred, may file a written complaint with the Board of Supervisors of Elections. The complaint shall include all particulars of the allegation, and must be signed by the complaining party. Such complaint must be filed with the Board within thirty (30) days of the date of the alleged violation.

§ 8-41. Investigation of Complaints.

After the filing of any complaint, the Board of Supervisors of Elections shall make such investigation as deemed appropriate to ascertain whether there are reasonable grounds to believe the allegation is true. The Board may request the City Administrator's assistance in this investigation.

§ 8-42. Procedure When Violation of Chapter Not Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are no reasonable grounds to believe that a violation of this chapter has occurred, the Board shall issue a written order dismissing the complaint.

§ 8-43. Procedure When Violation of Chapter is Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are reasonable grounds to believe that a violation of this chapter has occurred, the Board or its designee shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representative as the parties may choose to assist them. If a complaint is conciliated, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement as needed.

§ 8-44. Board Hearings Generally.

If there are reasonable grounds to believe a violation of law has occurred and the case has not been conciliated, the Board shall serve upon the person against whom the complaint has been filed (designated as the "respondent") a summons and statement of charges

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shall be served upon all interested parties along with a notice of the time and place of the hearing. The respondent or an authorized representative may file such statements with the Board prior to the hearing date as deemed necessary in support of respondent's position.

§ 8-45. Board Action When Violation of Chapter Not Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of record, that the respondent has not violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order dismissing the complaint.

§ 8-46. Board Action When Violation of Chapter Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of the record, that the respondent has violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order. Such order shall require the respondent to cease and desist from such unlawful conduct, and may require the respondent to take corrective action. In addition, the Board may recommend to the City Administrator the imposition of civil penalties not to exceed one thousand dollars (\$1,000.00) as defined in this chapter.

Any order of the Board may be appealed to the Circuit Court of Maryland within fourteen (14) days of issuance. Failure to comply with an order of the Board shall constitute a violation of this chapter subject to the penalties outlined herein.

Attachment: Chapter 8 only_revision 020516 (1432 : Revisions to City Code Chapter 8: Elections)



Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/10/2016 7:00 PM
Department: Clerk's Office
Prepared by: Laura Reams
Sponsors: At the Request of the City Administrator
DOC ID: (ID # 1413)

5.3

Discussion Items: Council Budget Priority Discussion: FY17 Operating Budget

SUBJECT: Council Budget Priority Discussion: FY17 Operating Budget

SECTION: Discussion Items

BACKGROUND:

Attached is the revised list of Council submitted budget priorities for the FY17 operating budget.

NEXT STEPS:

The draft FY17 budget will be presented to the Mayor and Council during the Council Work Session of February 24, 2016.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

n/a

STRATEGIC GOALS

Goal: Goal 2 – Ensure the Long-Term Economic Viability of the City


Tracey Nicholson, City Administrator 1/22/2016

COUNCIL PROPOSED FY2017 OPERATING BUDGET INITIATIVES

Revised 1/22/2016

SPONSOR:	DESCRIPTION:	DEPT(S):	ESTIMATED FUNDS:	STAFF COMMENTS:
Solomon	<u>Hyattsville Health & Wellness Study:</u> City-wide survey to establish a baseline for health metrics and community health needs	CS	\$5,000	Scheduled for further discussion on 1/27. Cost estimate is for hard costs (i.e., printing and mailing). Committee would be responsible for survey preparation and data tabulation.
Solomon	<u>Police & Public Safety Advisory Committee:</u> Funds to support hosting mobile meetings in City Wards, including flyers and small budget for snacks at meetings	Legislative	\$500-1,000	Scheduled for further discussion on 1/27. Council discretionary funds are included in draft 2017 budget.
Solomon	<u>Hamilton Street Sidewalk:</u> Install sidewalk between 38th and Hyatt Park where there is no existing sidewalk (This is a State road and will require coordination with State)	Legislative	TBD	Scheduled for further discussion on 1/27. This will require a legislative request made to State Highway Administration.
Solomon	<u>Partnership with Habitat for Humanity:</u> Establish partnership for building Habitat for Humanity Homes in Hyattsville	Legislative	TBD	Scheduled for further discussion on 1/27. More information is required.
Lawrence	<u>Hyattsville Health Weekend: (November 5-6)</u> To feature a 5K run, Cyclocross and a FitBit Challenge. The 5K would be organized and hosted by HES PTA, and Cyclocross would be run by Arrow Bicycle and Route 1 Velo. City resources would be to build in a celebration - with live music and food and beverage sales - and for cleanup and security. (The FitBit Challenge, which would have minimal costs, would be organized by the City.)	CS	\$8,000	This item was discussed during the Council Work Session of Jan 12. Council stated informal support for consideration of inclusion in the draft FY17 budget. 1/12: Staff has begun conversations with Arrow Bicycle and HES PTA to determine feasibility.
Lawrence	\$10,000 for the Hyattsville Education Enrichment Grant Program	Legislative	\$10,000	This item was discussed during the Council Work Session of Jan 12. Referred back to staff for consideration. 1/12: Funded in FY16 at \$5,000.

Lawrence	Funding for a traffic study aimed at improving safety and mitigating traffic volumes on neighborhood streets east of MD 500, west of Rte. 1, and south of East-West Highway, with special consideration of Queensbury Road and related streets.	DPW	TBD	This item is being reviewed by staff for potential increase in funding to address low impact design elements. 1/12: Traffic study is included FY17 budget. Staff is coordinating estimates.
Perry	<u>Re-establish the Captain's position in the Police Department</u> Responsibilities to include: Day to day department operations, Acting Chief of Police when Chief Holland is unavailable, 1st level supervision of the Lieutenants, Studying crime trends, Recruiting and Retention, Training, Disciplinary actions and commendations, Emergency Operations, Anything else the Chief of Police may require.	PD	\$150,000 (including benefits)	Staff will evaluate the impact of inclusion of this position on the total budget. The position has not been authorized and unfunded since 2005. Supportable requirement to place additional oversight on critical mission areas.
Solomon	<u>New Positions:</u> Full time positions in HR, Treasurer, Community Services (Communications/Social Media)	HR	TBD	These items are included in the draft FY17 budget. Current draft budget includes requests for part time HR and Communications and full time position in Finance. No requirement in DPW at this time.
Croslin	Establish Snow Removal Program for qualified senior residents	DPW, CS	\$10,000	Staff is coordinating with Council. If approved as a contracted program, the City would identify a vendor and provide management and oversight for resident qualifications.



Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/10/2016 7:00 PM

Department: Clerk's Office

Prepared by: Laura Reams

Sponsors: At the Request of the City Administrator

DOC ID: (ID # 1414)

5.4

Discussion Items: Council Budget Priority Discussion: FY17 Capital Budget

SUBJECT: Council Budget Priority Discussion: FY17 Capital Budget

SECTION: Discussion Items

BACKGROUND:

Attached is the revised list of Council submitted budget priorities for the FY17 Capital Improvement Plan (CIP) budget.

NEXT STEPS:

The draft FY17 budget will be presented to the Mayor and Council during the Council Work Session of February 24, 2016.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

n/a

STRATEGIC GOALS

Goal: Goal 2 – Ensure the Long-Term Economic Viability of the City


Tracey Nicholson, City Administrator 1/22/2016

COUNCIL PROPOSED FY2017 CAPITAL BUDGET INITIATIVES
Revised 1/22/2016

SPONSOR:	DESCRIPTION:	DEPT(S):	ESTIMATED FUNDS:	STAFF COMMENTS:
Haba	Provide \$500K for sidewalks construction on certain streets in Ward 4: Kelliher Road, Kimberly Road, 31st Place (between Lancer Place and Madison Street)	DPW	\$500,000	Scheduled for further discussion on 1/27. FY17 draft operating budget includes \$60,000 for sidewalk replacement and trip hazard mitigation. Staff is evaluating requirements for updated cost estimates.
Haba	Street repair and speed humps funds	DPW	TBD	Scheduled for further discussion on 1/27. Current draft budget includes \$200,000 for street repair and operating budget has \$30,000 for traffic mitigation/speed humps. Staff is re-evaluating requirements.
Perry	Provide \$1M for Street Lighting Improvements	DPW	\$1,000,000	Scheduled for further discussion on 1/27. Staff is evaluating Phase 2 requirements and will adjust budget as needed. Current draft budget includes \$250,000.
Haba	Provide \$500K funding to implement Phase 1 of Lighting Study (neighborhoods near metro stations)	DPW	\$500,000	Scheduled for further discussion on 1/27. Staff is evaluating Phase 2 requirements and will adjust budget as needed. Current draft budget includes \$250,000. Phase 1 replacement is underway in FY16.
Perry	Purchase of Solar Powered Pedestrian lighting for installation at high volume pedestrian crosswalks in the City. Similar signage has been installed near Felegy Elementary School	DPW	TBD	Evaluation ongoing. A new pilot program for implementation is ongoing (4 are in use). Following evaluation the City will budget for additional units.
Haba	Provide adequate funding for the purchase and placement of trash receptacles on certain city streets.	DPW	TBD	15 traditional trash cans and 15 Bigbelly trash cans are being installed in FY16. FY17 draft

				budget includes \$110,000 for purchase and installation of new trash receptacles and implementation of pilot Bigbelly program.
Solomon	Purchase and Implementation of Enterprise Resource Planning (ERP) System	City Admin	TBD	Estimates projected prior to final budget submission. Staff is coordinating with Dataprise to assess potential vendors and determine scale of the system, and funding for FY17 implementation.

Main City Calendar for February 10 - 16, 2016

Ageless Grace Senior Exercise Classes

Wednesdays and Fridays, 10:00 AM - 11:00 AM @ the City Administration Building

Creative Minds Parent-Child Program

Tuesdays and Thursdays, 10:00 AM - 12:00 PM @ Magruder Recreation Center

Call-A-Bus Grocery Trips to Safeway and Aldi

February 11, 11:00 AM - 1:00 PM

Senior Valentine Social

February 11, 11:00 AM - 1:00 PM @ City Municipal Building First Floor Multipurpose Room

Join in as we celebrate Valentines Day with a DJ, Photo Booth, BINGO & Prizes! Light Refreshments will be served. Transportation will be provided FREE of charge by the City of Hyattsville Call A Bus service. Please call 301.985.5020 by 2pm on Wednesday to reserve your seat. City wide pick begins at 10:30am

City Council Meeting

February 16, 8:00 PM - 10:00 PM @ City Municipal Building, 3rd Floor, Council Chambers