



TOWN OF North Beach, Maryland
8916 Chesapeake Avenue
North Beach, Maryland

EMERGENCY ORDINANCE 22-04 (AMENDED AFTER INTRODUCTION)

AMENDING THE NORTH BEACH TOWN CODE
TO ENACT CHAPTER 47, "CAMPAIGN FINANCE", TO CODIFY AND
SUPPLEMENT THE EXISTING PRACTICE OF THE TOWN BY PROVIDING
REGULATIONS RELATING TO FINANCING CAMPAIGNS FOR TOWN
ELECTIVE OFFICE AND TO PROVIDE A PENALTY FOR FAILURE TO
COMPLY WITH THE TERMS THEREOF.

WHEREAS, pursuant to the Local Gov't Art., of the Maryland Annotated Code, the Town of North Beach ("the Town") has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, pursuant to the aforesated authority and the additional authority contained in Md. Code Ann., Local Gov't Art., § 5-206, the Town has the authority to enact regulations related to the conduct of Town elections; and

WHEREAS, the Town Council, intending to enhance the efficient conduct of Town elections, wishes to adopt provisions codifying certain practices of the Town with respect to campaign finance; and

WHEREAS, in order that this Ordinance become effective on or before the deadline for the filing of nominations for candidacy, and by the affirmative vote of at least five members of the Council, this Ordinance is deemed an emergency warranting the waiving of the requirements of Charter Section 311 relating to the necessity of a second reading and allowing the Ordinance to take effect immediately upon adoption.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF NORTH BEACH**, that Chapter 47, "Campaign Finance", of the Town Code, shall be and hereby is added and adopted as follows:

CHAPTER 8. CAMPAIGN FINANCE

§ -1 APPOINTMENT OF TREASURER.

- UNDERLINED SMALL CAPS : Indicate matter added to existing law.
- DOUBLE UNDERLINED SMALL CAPS : Indicate matter added after introduction
- ~~Double strikethrough~~ : Indicate matter deleted after introduction

A. DESIGNATION.

1. EACH PERSON SEEKING ELECTION TO TOWN OFFICE SHALL, UPON OR BEFORE FILING A CERTIFICATE OF CANDIDACY, AND AS A CONDITION PRECEDENT TO QUALIFYING AS A CANDIDATE, APPOINT ONE CAMPAIGN TREASURER AND SHALL FILE THE NAME AND ADDRESS OF THE CAMPAIGN TREASURER WITH THE TOWN CLERK. EACH TREASURER SO APPOINTED SHALL ACCEPT THE APPOINTMENT, IN WRITING, PRIOR TO THE FILING OF THE PERSON'S NAME AS TREASURER. THE TOWN CLERK SHALL NOT ACCEPT ANY CERTIFICATE OF CANDIDACY UNLESS THE NAME OF THE TREASURER HAS BEEN FILED WITH THE TOWN CLERK PREVIOUSLY AS PROVIDED IN THIS SUBSECTION.

2. A TREASURER WHO RESIGNS SHALL DO SO ON A FORM PRESCRIBED BY THE TOWN, SIGNED BY THE RESIGNING TREASURER, AND FILED WITH THE TOWN CLERK. THE CANDIDATE IMMEDIATELY SHALL APPOINT AND FILE THE NAME AND ADDRESS OF THE SUCCESSOR TREASURER IN ACCORDANCE WITH THIS SECTION.

3. A MEMBER OF THE BOARD OF SUPERVISORS OF ELECTIONS, OR ANY PERMANENT, PART-TIME OR TEMPORARY EMPLOYEE OF THE TOWN, MAY NOT BE A CANDIDATE OR A TREASURER OF ANY CANDIDATE DURING ANY PART OF THE PERSON'S TENURE IN OFFICE OR EMPLOYMENT. THE TERM "EMPLOYEE" AS USED IN THIS SECTION DOES NOT INCLUDE TOWN ELECTED OFFICIALS.

4. THE TREASURER MUST MAINTAIN THE TREASURER'S PRIMARY RESIDENCE IN THE TOWN STATE AND MUST BE A REGISTERED TOWN STATE VOTER AT THE TIME OF APPOINTMENT AND THROUGH THE DATE OF THE ELECTION AS TO WHICH THE TREASURER HAS BEEN APPOINTED.

B. FORM. THE FORM FOR APPOINTMENT OF A TREASURER AND THE ACCEPTANCE OF THE APPOINTMENT BY THE TREASURER SHALL BE PRESCRIBED BY THE TOWN CLERK.

C. PROHIBITION.

1. A CANDIDATE MAY NOT RAISE FUNDS FOR A CAMPAIGN UNLESS THE CANDIDATE HAS APPOINTED A TREASURER AS PROVIDED IN SUBSECTION A. OF THIS SECTION.

2. A PERSON MAY NOT ACT AS TREASURER UNLESS THE FORM REQUIRED IN SUBSECTION B OF THIS SECTION IS FILED WITH THE TOWN CLERK. THE TREASURER OF ANY CANDIDATE SHALL NOT BE THE TREASURER OR CAMPAIGN MANAGER OF ANOTHER CANDIDATE FOR TOWN OFFICE. A CANDIDATE FOR TOWN OFFICE MAY NOT SERVE AS THE CANDIDATE'S OWN TREASURER OR ACT AS THE TREASURER OF ANY OTHER CANDIDATE FOR TOWN ELECTIVE OFFICE.

D. RECEIPT BY THE TREASURER. THE TREASURER SHALL RECEIVE, KEEP AND DISBURSE ALL SUMS OF MONEY OR OTHER VALUABLE THINGS THAT MAY BE COLLECTED, RECEIVED OR DISBURSED BY THE CANDIDATE. THE TREASURER SHALL GIVE A WRITTEN RECEIPT FOR ANY CONTRIBUTION. THE TREASURER ALSO SHALL KEEP AND RETAIN, FOR A PERIOD OF TWO YEARS FOLLOWING THE ELECTION, FULL AND ACCURATE RECORDS OF ALL RECEIPTS AND EXPENDITURES.

E. FORM OF CONTRIBUTIONS. A TREASURER MAY NOT ACCEPT A MONETARY CONTRIBUTION IN CASH IN EXCESS OF \$100.00.

§ -2. ANONYMOUS CONTRIBUTIONS; SURPLUS FUNDS.

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A. ANY MONEY OR OTHER THING OF VALUE RECEIVED FROM ANY UNKNOWN PERSON OR SOURCE BY ANY CANDIDATE FOR TOWN OFFICE OR THE CANDIDATE’S TREASURER SHALL NOT BE ACCEPTED, BUT SHALL BE TRANSFERRED BY THE PERSON RECEIVING THE MONEY OR THING TO THE TOWN TO HELP DEFRAID THE EXPENSES OF THE ELECTION.

B. PRIOR TO THE TIME OF FILING THE FINAL REPORT REQUIRED BY THIS CHAPTER, ANY SURPLUS FUNDS REMAINING AFTER PAYMENT OF ALL CAMPAIGN EXPENDITURES SHALL BE REMITTED TO THE TOWN FOR INCLUSION IN ITS GENERAL FUND OR PAID TO AN ENTITY THAT IS AN I.R.C. §501(C)(3) CORPORATION IN GOOD STANDING.

§ -3. PERSONAL CONTRIBUTIONS AND EXPENSES OF CANDIDATES.

THE CONTRIBUTIONS OF A CANDIDATE OR THE CANDIDATE'S SPOUSE TO THE CANDIDATE'S OWN CAMPAIGN ARE NOT SUBJECT TO THE LIMITATIONS OF THIS CHAPTER BUT MUST PASS THROUGH THE HANDS OF THE CANDIDATE'S TREASURER AND BE REPORTED AS REQUIRED IN OTHER PROVISIONS OF THIS CHAPTER. EXPENSES OF THE CANDIDATE FOR FILING FEES, POSTAGE, ELECTRONIC COMMUNICATIONS, TELEPHONE CALLS, FAXES, TRAVEL, OR ROOM AND BOARD SHALL NOT BE CONSIDERED CONTRIBUTIONS IF PAID FOR BY THE CANDIDATE OR SPOUSE.

§ -4. OUTSTANDING LOANS TO POLITICAL CAMPAIGNS.

A. NO LOAN MAY BE MADE TO THE CAMPAIGN OF A CANDIDATE, OR ACCEPTED ON BEHALF OF THE CAMPAIGN, AND NO DEBT ON BEHALF OF THE CANDIDATE SHALL BE INCURRED, WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CANDIDATE. WRITTEN CONSENT CONSTITUTES THE PERSONAL GUARANTEE OF THE CANDIDATE FOR REPAYMENT OF THE LOAN ONLY IF IT EXPRESSLY SO PROVIDES. THE AGGREGATE AMOUNT OF ALL OUTSTANDING LOANS TO THE CAMPAIGN OR TO A CANDIDATE SHALL NOT EXCEED ONE THOUSAND DOLLARS DURING A CYCLE FOR ANY PERSON CAMPAIGNING FOR COUNCIL MEMBER AND SHALL NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS DURING A CYCLE FOR ANY PERSON CAMPAIGNING FOR MAYOR. A LOAN BY THE CANDIDATE TO THE CAMPAIGN OF THE CANDIDATE IS EXCLUDED FROM THIS SUBSECTION.

B. ANY OUTSTANDING LOANS THAT HAVE NOT BEEN FORGIVEN SHALL BE REPORTED TO THE TOWN CLERK AS A CAMPAIGN CONTRIBUTION WITHIN SIX MONTHS OF THE ELECTION.

§ -5. CONTRIBUTIONS AND EXPENSES OF NONCANDIDATES.

A. EXCEPT AS SET FORTH IN SUBSECTION B OF THIS SECTION, NO PERSON OTHER THAN THE CANDIDATE SHALL CONTRIBUTE ANY ITEM OF VALUE TO SUPPORT OR DEFEAT ANY CANDIDATE IN ANY TOWN ELECTION, EXCEPT TO THE CANDIDATE OR THE CANDIDATE’S TREASURER.

B. A CONTRIBUTION MAY BE MADE DIRECTLY TO A CANDIDATE, PROVIDED THE CANDIDATE REPORTS SUCH CONTRIBUTION TO THE TREASURER.

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C. NOTHING IN THIS CHAPTER LIMITS OR AFFECTS THE RIGHT OF ANY PERSON TO VOLUNTEER TIME OR A PERSONAL VEHICLE FOR TRANSPORTATION INCIDENT TO ANY ELECTION OR TO EXPEND MONEY FOR PROPER LEGAL EXPENSES IN MAINTAINING OR CONTESTING THE RESULTS OF ANY SUCH ELECTIONS, NOR DOES ANYTHING IN THIS SECTION PRECLUDE ANY PERSON FROM EXPRESSING PERSONAL VIEWS ON ANY SUBJECT, PROVIDED, THAT COINCIDENT WITH SUCH STATEMENT OR ADVERTISING NOTICE SHALL BE GIVEN THAT THE VIEWS SO EXPRESSED ARE THE PERSON'S OWN, AND THAT THE STATEMENT SO MADE IS A "PAID POLITICAL ADVERTISEMENT."

§ -6. ELECTION REPORTS REQUIRED.

A. A CANDIDATE FOR TOWN OFFICE AND THE TREASURER DESIGNATED BY THAT CANDIDATE SHALL FILE AND SIGN THE REPORTS OR STATEMENTS OF CONTRIBUTIONS, LOANS AND EXPENDITURES AS PRESCRIBED IN ACCORDANCE WITH THIS CHAPTER WITH THE TOWN CLERK.

B. UNLESS A FINAL REPORT IS SUBMITTED PURSUANT TO SUBSECTION C. OF THIS SECTION, WHETHER OR NOT THE CANDIDATE'S NAME APPEARS ON THE PRIMARY BALLOT, THE CANDIDATE WITHDRAWS SUBSEQUENT TO FILING THE CANDIDATE'S CERTIFICATE OF CANDIDACY, OR THE CANDIDATE IS UNSUCCESSFUL, EACH REPORT FILED SHALL CONTAIN ALL CONTRIBUTIONS AND LOANS RECEIVED AND EXPENDITURES MADE IN FURTHERANCE OF THE CANDIDATE'S ELECTION BY THE CANDIDATE PERSONALLY OR, WITH THE KNOWLEDGE OF THE CANDIDATE, BY ANY OTHER PERSON OR ENTITY.

C. AN INITIAL REPORT SHALL CONTAIN ALL CONTRIBUTIONS AND LOANS RECEIVED AND EXPENDITURES MADE SINCE THE DATE OF THE LAST PRECEDING ELECTION TO FILL THE OFFICE FOR WHICH THE PERSON IS A CANDIDATE. EACH SUBSEQUENT REPORT SHALL CONTAIN ALL CONTRIBUTIONS AND LOANS RECEIVED AND EXPENDITURES MADE SINCE THE END OF THE PERIOD FOR WHICH THE LAST PRECEDING REPORT WAS FILED. A STATEMENT TO THAT EFFECT MUST BE INCLUDED ON THE FORMS PRESCRIBED PURSUANT TO THIS CHAPTER. THE REPORTS SHALL BE FILED FOR EACH OF THE FOLLOWING REPORTING PERIODS:

- 1. NO LATER THAN THE FOURTH TUESDAY PRECEDING ANY REGULAR TOWN ELECTION;
- 2. NO LATER THAN THE TUESDAY IMMEDIATELY PRECEDING ANY REGULAR TOWN ELECTION;
- 3. NO LATER THAN SEVEN DAYS PRIOR TO ANY SPECIAL ELECTION;
- 4. NO LATER THAN FORTY-FIVE (45) DAYS FOLLOWING ANY ELECTION. THIS REPORT SHALL COVER THE BALANCE OF THE PRECEDING ELECTION CYCLE THAT ENDS ON THE DAY OF THE ELECTION.

D. ANY REPORT FILED PURSUANT TO PARAGRAPHS 1 THROUGH 4 OF PARAGRAPH C. OF THIS SECTION SHALL INCLUDE REQUIRED INFORMATION THROUGH AND INCLUDING THE PRECEDING SUNDAY.

E. IF A CANDIDATE DOES NOT INTEND TO RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES OF TWO THOUSAND DOLLARS OR MORE, EXCLUSIVE OF THE CANDIDATE'S FILING FEE, THE CANDIDATE AND THE CANDIDATE'S TREASURER JOINTLY MAY EXECUTE AN AFFIDAVIT TO THAT EFFECT ON A

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FORM PRESCRIBED BY THE TOWN CLERK. IF THE CANDIDATE, IN FACT, DOES NOT RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES OF TWO THOUSAND DOLLARS OR MORE, NO FURTHER REPORTS NEED BE FILED PURSUANT TO THIS SECTION. THE AFFIDAVIT SHALL BE FILED NOT LATER THAN THE DATE BY WHICH THE FIRST REPORT IS DUE. IF AT ANY TIME THE CUMULATIVE CONTRIBUTIONS TO OR EXPENDITURES BY A CANDIDATE WHO HAS FILED SUCH AN AFFIDAVIT EQUAL OR EXCEED TWO THOUSAND DOLLARS, THE CANDIDATE AND THE CANDIDATE'S TREASURER THEREAFTER SHALL FILE ALL REPORTS REQUIRED BY THIS SECTION, AND FAILURE TO DO SO CONSTITUTES A FAILURE TO FILE AND THE COMMISSION OF A MISDEMEANOR, SUBJECT TO THE PENALTIES PRESCRIBED IN THIS CHAPTER.

F. IF A CANDIDATE HAS NEITHER A CASH BALANCE NOR AN OUTSTANDING OBLIGATION AT THE END OF A REPORTING PERIOD AND CEASES TO SOLICIT OR ACCEPT ADDITIONAL CONTRIBUTIONS OR TO MAKE FURTHER EXPENDITURES, A CANDIDATE REPORT FOR THAT REPORTING PERIOD, CLEARLY MARKED AS "FINAL", SHALL BE FILED ON OR BEFORE THE APPLICABLE DUE DATE, AND NO FURTHER REPORT IS REQUIRED.

§ -7. FORMS.

A. ANY FORMS REQUIRED BY THIS CHAPTER SHALL BE PRESCRIBED BY THE TOWN CLERK.

B. IN LIEU OF THE PRESCRIBED FORMS, THE TOWN CLERK MAY ALLOW THE FILING OF A SPREADSHEET THAT CONTAINS THE REQUIRED INFORMATION.

§ -8. REPORTING DEADLINES—FAILURE TO FILE.

A. A PERSON MAY NOT BECOME A CANDIDATE FOR TOWN OFFICE, A CERTIFICATE OF CANDIDACY MAY NOT BE ACCEPTED ON A PERSON'S BEHALF, AND A PERSON MAY NOT BECOME A TREASURER FOR A CANDIDATE UNLESS THE PERSON HAS FILED OR HAD FILED ON THE PERSON'S BEHALF ALL REPORTS OR STATEMENTS REQUIRED BY SECTION -6 OF THIS CHAPTER AND SUBSECTION C OF THIS SECTION TO BE FILED BY THAT PERSON, AS A CANDIDATE OR TREASURER DURING THE FIVE CALENDAR YEARS PRECEDING THE ELECTION IN WHICH THE PERSON SEEKS TO BECOME A CANDIDATE OR TREASURER.

B. A LATE FILING FEE SHALL BE ASSESSED FOR FORMS NOT FILED AS REQUIRED BY ANY SECTION OF THIS CHAPTER.

1. FOR PRE-ELECTION REPORTS AND AFFIDAVITS NOT TIMELY FILED, A FEE OF FIFTY DOLLARS SHALL BE ASSESSED EACH DAY FOR THE FIRST SIX DAYS AND TWENTY DOLLARS EACH DAY THEREAFTER.

2. FOR POST-ELECTION REPORTS NOT TIMELY FILED, A FEE OF TWENTY DOLLARS SHALL BE ASSESSED EACH DAY.

3. THE MAXIMUM ASSESSABLE FEE SHALL BE FIVE HUNDRED DOLLARS PER REPORT AND SHALL BE COMPUTED FROM THE DAY IMMEDIATELY FOLLOWING THE DUE DATE AND INCLUDE THE DAY OF FILING.

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4. FEES ASSESSED UNDER THIS SUBSECTION SHALL NOT BE PAID DIRECTLY OR INDIRECTLY FROM CAMPAIGN FUNDS AND SHALL CONSTITUTE A PERSONAL LIABILITY OF THE CANDIDATE AND TREASURER IF THE CAMPAIGN FINANCE ENTITY IS A PERSONAL TREASURER OR CHAIRMAN AND TREASURER FOR ALL OTHER CAMPAIGN FINANCE ENTITIES.

C. FOR THE PURPOSES OF THIS SECTION, THE FAILURE TO PROVIDE ALL OF THE INFORMATION CALLED FOR ON THE FORMS PRESCRIBED BY ANY SECTION OF THIS CHAPTER, TO THE EXTENT APPLICABLE, IS A FAILURE TO FILE, IF THE TOWN CLERK HAS NOTIFIED THE CANDIDATE AND TREASURER, IN WRITING, OF THE PARTICULAR DEFICIENCIES AND A PROPERLY CORRECTED REPORT HAS NOT BEEN FILED WITHIN THIRTY DAYS OF SERVICE OF NOTICE. AFTER THE THIRTIETH DAY, AND IN THE ABSENCE OF A FILED CORRECTED REPORT, ALL SANCTIONS PROVIDED FOR IN THIS SECTION SHALL BE APPLICABLE WITHOUT THE NECESSITY OF FURTHER NOTICE TO THE CANDIDATE OR TREASURER UNDER THIS SUBSECTION.

D. A PERSON MAY NOT BE DEEMED ELECTED TO ANY PUBLIC OR PARTY OFFICE IN THIS TOWN OR ENTER UPON THE DUTIES OF THE OFFICE OR RECEIVE ANY SALARY OR EMOLUMENTS FROM THE OFFICE, UNTIL ALL THE REPORTS AND STATEMENT OF CONTRIBUTIONS AND EXPENDITURES REQUIRED TO BE FILED BY THE PERSON PURSUANT TO THIS CHAPTER HAVE BEEN FILED AND ASSESSED FEES PAID. A CANDIDATE MAY NOT BE SWORN IN UNTIL THE TOWN CLERK CERTIFIES THAT ALL THE REPORTS AND STATEMENTS REQUIRED BY THOSE SECTIONS HAVE BEEN FILED AND ASSESSED FEES PAID.

§ -9. RECORDKEEPING.

THE TOWN CLERK SHALL RECEIVE, FILE AND PRESERVE ALL REPORTS, STATEMENTS AND ACCOUNTS RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES WHICH ARE REQUIRED TO BE FILED BY THIS CHAPTER. THESE REPORTS, STATEMENTS AND ACCOUNTS SHALL BE KEPT AS PART OF THE RECORDS OF THE TOWN FOR A PERIOD NOT TO EXCEED FIVE YEARS OR FOR AT LEAST ONE YEAR BEYOND THE LENGTH OF THE TERM OF OFFICE FOR WHICH A CANDIDATE TO WHOM THESE REPORTS, STATEMENTS OR ACCOUNTS APPLY, HAS OFFERED FOR NOMINATION OR ELECTION, REGARDLESS OF WHETHER HE CANDIDATE IS UNSUCCESSFUL OR RESIGNS. THESE REPORTS, STATEMENTS AND ACCOUNTS SHALL BE SUBJECT AND OPEN TO INSPECTION BY ANY RESIDENT OF THE TOWN DURING THE HOURS IN WHICH THE OFFICE IN WHICH THE REPORTS, STATEMENTS AND ACCOUNTS ARE KEPT IS OPEN. THEREAFTER, THE REPORTS, STATEMENTS AND ACCOUNTS MAY BE RETAINED OR DESTROYED, AT THE DISCRETION OF THE TOWN CLERK.

§ -10. PROHIBITED PRACTICES.

A. A PERSON SHALL NOT:

1. DIRECTLY OR INDIRECTLY, PERSONALLY OR BY ANOTHER, GIVE OR OFFER OR PROMISE TO ANY PERSON ANY MONEY, GIFT, ADVANTAGE, PREFERMENT, AID, EMOLUMENT OR ANY VALUABLE THING WHATEVER, FOR THE PURPOSE OF INDUCING OR PROCURING ANY PERSON TO VOTE, OR REFRAIN FROM VOTING, FOR OR AGAINST ANY PERSON OR FOR OR AGAINST ANY MEASURE OR PROPOSITION;

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2. DIRECTLY OR INDIRECTLY, RECEIVE, ACCEPT, REQUEST OR SOLICIT FROM ANY PERSON OR ENTITY ANY MONEY, GIFT, ADVANTAGE, PREFERMENT, AID, EMOLUMENT, OR ANY VALUABLE THING WHATSOEVER, IN EXCHANGE FOR THE PERSON'S VOTE, OR AGREEMENT NOT TO VOTE, FOR OR AGAINST ANY PERSON OR FOR OR AGAINST ANY MEASURE OR PROPOSITION;

3. DIRECTLY OR INDIRECTLY, PAY, GIVE, CONTRIBUTE OR PROMISE ANY MONEY OR OTHER VALUABLE THING, TO DEFRAID, OR TOWARDS DEFRAIDING THE COSTS OR EXPENSES OF ANY CAMPAIGN OR ELECTION, TO ANY PERSON OR ENTITY OTHER THAN TO A TREASURER; HOWEVER, THIS SUBSECTION DOES NOT APPLY TO DUES REGULARLY PAID FOR MEMBERSHIP IN ANY POLITICAL CLUB IF ALL MONEY EXPENDED BY THE CLUB OR IN CONNECTION WITH THE COSTS OR EXPENSES OF ANY CAMPAIGN OR ELECTION WILL BE PAID OUT BY THE CLUB ONLY THROUGH A TREASURER AS PROVIDED IN THIS CHAPTER, OR TO VOLUNTEERED TIME, PERSONAL VEHICLES, PERSONAL ADVERTISING OR COSTS AND EXPENSES INCIDENT TO THE EXPRESSION OF PERSONAL VIEWS;

4. DIRECTLY OR INDIRECTLY, PERSONALLY OR THROUGH ANOTHER PERSON, MAKE A PAYMENT, OR PROMISE OF PAYMENT, TO A TREASURER, OR CANDIDATE, IN ANY OTHER NAME THAN THE PERSON'S OWN;

5. AS A TREASURER OR CANDIDATE, KNOWINGLY ENTER A PAYMENT OR CONTRIBUTION OR CAUSE THE PAYMENT OR CONTRIBUTION TO BE ENTERED IN THE TREASURER'S ACCOUNTS IN ANY OTHER NAME THAN THAT OF THE PERSON BY WHOM THE PAYMENT OR CONTRIBUTION WAS MADE; OR

6. PUBLISH OR DISTRIBUTE BY ANY WRITTEN OR ELECTRONIC MEANS ANY MATERIAL RELATING TO OR CONCERNING ANY CANDIDATE, INCLUDING A WRITE-IN CANDIDATE OR PROSPECTIVE CANDIDATE, OR RELATING TO THE ACCEPTANCE OR DEFEAT OF ANY PROPOSITION UNLESS THE MATERIAL CLEARLY INDICATES THE NAME OF THE CANDIDATE RESPONSIBLE FOR THE LITERATURE AND CONTAINS, SET APART FROM THE NAME OF THE CANDIDATE, AN AUTHORITY LINE THAT INCLUDES THE NAME AND ADDRESS OF THE PERSON OR TREASURER RESPONSIBLE FOR THE PUBLICATION OR ITS DISTRIBUTION; EXCEPT, THAT IF THE PERSON PUBLISHING OR DISTRIBUTING THE MATERIAL HAS FURNISHED THE PERSON'S ADDRESS TO THE TOWN CLERK, THE MATERIAL NEED NOT CONTAIN AN ADDRESS.

B. THE PROVISIONS OF PARAGRAPH 6 OF SUBSECTION A OF THIS SECTION DO NOT APPLY TO A PERSON WHO VOLUNTEERS TIME OR A PERSONAL VEHICLE FOR TRANSPORTATION INCIDENT TO ANY ELECTION OR EXPENDS MONEY FOR PROPER LEGAL EXPENSES IN MAINTAINING OR CONTESTING THE RESULTS OF ANY SUCH ELECTIONS, OR WHO IS EXPRESSING PERSONAL VIEWS ON ANY SUBJECT, HIRING HALLS, HOLDING RECEPTIONS, BUYING NEWSPAPER SPACE AND RADIO OR TELEVISION TIME, PROVIDED THAT COINCIDENT WITH SUCH STATEMENT OR ADVERTISING NOTICE SHALL BE GIVEN THAT THE VIEWS SO EXPRESSED ARE THE PERSON'S OWN AND THAT THE STATEMENT SO MADE IS A "PAID POLITICAL ADVERTISEMENT."

§ -11. ADVERTISING.

A PERSON, CANDIDATE, CAMPAIGN MANAGER, OR TREASURER, MAY NOT EXPEND ANY MONEY FOR PRINTING, PUBLICATION OR BROADCASTING OF ANY POLITICAL MATTER, UNLESS THE MATTER PURPORTS ON ITS FACE TO BE PAID POLITICAL ADVERTISEMENT AND PRINTED, PUBLISHED OR BROADCAST BY AUTHORITY OF THE PERSON, CAMPAIGN MANAGER OR TREASURER FOR THE NAMED CANDIDATE.

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§ -12. VIOLATION—INELIGIBILITY FOR FUTURE ELECTION, APPOINTMENT OR EMPLOYMENT.

IF ANY CANDIDATE HAS BEEN FOUND BY A COURT OF COMPETENT JURISDICTION TO HAVE ENGAGED IN ANY PROHIBITED PRACTICE AS DESCRIBED HEREIN, THE CANDIDATE IS INELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY TOWN OFFICE OR EMPLOYMENT FOR THE PERIOD OF FOUR YEARS FROM THE DATE OF THE ELECTION. IF THE FINDING IS THAT A SUCCESSFUL CANDIDATE ENGAGED IN PROHIBITED PRACTICES ONLY THROUGH THE CANDIDATE'S AGENT WITHOUT THE KNOWLEDGE OR CONSENT OF THE CANDIDATE, AND THAT NO PROHIBITED PRACTICE WAS COMMITTED WITH THE CANDIDATE'S SANCTION OR CONNIVANCE, THEN THE ELECTION OF SUCH CANDIDATE SHALL NOT BE VOID AND THE CANDIDATE SHALL NOT BE SUBJECT TO ANY INELIGIBILITY.

§ -13. VIOLATION—PENALTY.

A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-17 OF THIS CODE.

Section 2. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF NORTH BEACH that this Emergency Ordinance shall become effective on the 14th day of July, 2022 after having been read at one Town Council meeting pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

DocuSigned by:

BA48EC7ED321455...

Mike Benton, Mayor

ATTEST:

DocuSigned by:

C27B36186BC34BC

Stacy W. Milor, Town Clerk

VOTE:

- Aye Dotson
- Aye Hummel
- Aye Kabler
- Aye Lawton
- Aye Tronccone
- Aye Wilcox

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