

## Chapter 8

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-1969; amended in its entirety 11-2-2020 by Ord. No. 2020-06. Subsequent amendments noted where applicable.]

ARTICLE I  
**General Provisions**

**§ 8-1. Definitions.**

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

**BOARD** — The Board of Supervisors of Elections for the City.

**CAMPAIGN FUNDS** — Money that is contributed or loaned to a candidate.

**CAMPAIGN MATERIAL** — Any material that:

- A. Contains text, graphics, or other images;
- B. Relates to a candidate, a prospective candidate, or the approval or rejection of a question; and
- C. Is published or distributed to anyone by, at the request of, or under the authority of, a candidate.

**CANDIDATE** — An individual who seeks nomination for election, or seeks election, to City office.

**CANVASS** — All activities conducted by the Board to process, count, and certify the votes for individual candidates and for or against ballot measures to determine who or which position won.

**CONTRIBUTION** — A donation, grant, or gift, or a promise to make a donation, grant, or gift, whether money or in-kind, to any candidate or representative, with exception to certain loans as set forth in this chapter.

**CONTRIBUTOR** — Any person who makes a contribution.

**CORPORATION** — Any organization or entity that is formed or organized under the laws of Maryland, the United States, or any other state or foreign government.

**DOMESTIC PARTNER** — An individual who is in a "domestic partnership" with another person that meets the requirements set forth in Maryland Code, § 6-101 of the Health-General Article, which may be amended from time to time.

**EARLY VOTING DAY** — A day close to, but in advance of, election day, on which the City Council has authorized the polls to be open to qualified voters (referred to in the Charter, § C4-9, as "advance voting day").

**ELECTION** — General or special elections, referenda, or other questions at any election held by the City.

**ELECTION DAY** — The day on which voting for the offices of Mayor and Council and any other included referenda is regularly scheduled to occur as set forth by the City Charter and § 8-3 of this chapter, which does not include special elections or early voting days.

**EXPENDITURE** — Any transfer, disbursement, or promise of money or valuable thing, to include in-kind expenditures, by a candidate, treasurer, or other agent of a candidate to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

**FINANCIAL INSTITUTION** — Any bank licensed to receive deposits and make loans which is insured by the Federal Deposit Insurance Corporation or a credit union insured by the National Credit Union Insurance Fund.

**IN-KIND CONTRIBUTION** — The fair market value, which shall be the usual and normal charge, of anything of value other than direct contributions of money, including goods or services for which the contributor normally charges, and payments made on behalf of a candidate, except that volunteering the contributor's own time or use of a personal vehicle to a campaign shall not constitute an in-kind contribution.

**POLITICAL COMMITTEE** — Any combination of two or more persons, formed in any manner, which

independently collects or expends a cumulative amount of \$100 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 received by any candidate.

**SURPLUS CAMPAIGN FUNDS** — Unexpended funds contributed to a candidate that remain after the election is certified and all campaign debts, including all loans, have been paid.

**TREASURER** — Any person appointed by a candidate to receive or disburse money or other items of value to promote or assist in the promotion of any candidate or proposition.

**VOTE-BY-MAIL** — The process whereby voters make application for and submit completed ballots by either mail or in-person dropoff at a location authorized by the Board.

ARTICLE II  
General Election Procedures

**§ 8-4. Vote-by-mail election. [Amended 12-21-2020 by Ord. No. 2020-07]**

- A. City elections may utilize vote-by-mail ballot voting.
- B. The Council may determine by resolution whether vote-by-mail ballot voting shall be the primary means of voting. In the event the Council determines that vote-by-mail ballot voting shall be the primary means of voting, such an election shall be called a "vote-by-mail election."
- C. In a vote-by-mail election, at least one polling location shall be kept open on election day for in-person voting. The Board of Elections shall keep any such polling location open from 7:00 a.m. to 8:00 p.m. on election day.

~~D. In an election that is primarily vote by mail pursuant to § 8-4B of this chapter, The Board of Elections may begin to process the ballots in preparation for counting and tabulation 15 days prior to an election, which is primarily vote by mail. The process shall be open to the public in accordance with applicable law and regulations and may include opening ballot envelopes, unfolding the ballots, and scanning the ballots. Votes may not be counted or tabulated until the polls close on election day.~~

**§ 8-5. Early voting.**

- A. The City Council or Board may provide for one or more early voting days in any election.
- B. Any early voting day shall be held no more than 15 days prior to the election day established in § 8-3 of this article.
- ~~C. On a designated early voting day, the polls shall be open to qualified voters at the times and places specified and advertised by the Board, which shall be open a minimum of **four eight** hours. if early voting is conducted on a Saturday and at least four hours if early voting is conducted on any other day of the week.~~

**§ 8-6. Special elections.**

- A. Generally. In addition to regularly scheduled elections, other special elections shall be held to resolve tie votes in any election and/or to fill vacancies that arise a substantial amount of time before the next regularly scheduled election, which shall be conducted pursuant to this section.
- B. Runoff elections.
  - (1) If, in any election directed by the Charter, any two or more candidates for the office of Mayor or Councilmember who have received the highest number of votes receive an equal number of votes, or the vote upon any binding referendum results in a tie, a runoff special election between these candidates and/or tied referenda shall be ordered and conducted by the Board.
  - (2) Any runoff special election required by Subsection B(1) of this section shall be held within **140 75** days of the election in which the tie vote occurred and shall include those offices for which the equal number of votes was cast or referendum questions which resulted in a tie vote.-

(3) ~~Combination special elections. In the event that an additional~~ **the office of Mayor and/or one or more seats** on the Council becomes vacant after a general election, but before a necessary runoff special election is held pursuant to Subsection B of this section, the Board may extend the time for the runoff special election to any day within 75 days of the date the vacancy was created, and both the runoff and the vacancy elections shall be conducted at the same time.

C. Special elections to fill vacancy.

(1) If, at any point the office of Mayor and/or one or more seats on the Council become vacant, the Board shall, at the direction of the Council, conduct a vacancy special election ~~to fill the vacancies~~ **in accordance with § C2-3 of the City Charter.**

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

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

~~D. Combination special elections. In the event that an additional seat on the Council becomes vacant after a general election, but before a necessary runoff special election is held pursuant to Subsection B of this section, the Board may extend the time for the runoff special election to any day within 75 days of the date the vacancy was created, and both the runoff and the vacancy elections shall be conducted at the same time.~~

ARTICLE V  
**Vote-by-Mail**

**§ 8-15. General provisions.**

- A. Any person qualified to vote in any election may use a vote-by-mail ballot pursuant to the provisions of this article.
- ~~B. Subject to the provisions set forth in § 8-15C, voters that have applied for and received a vote-by-mail ballot may only vote in that election by vote-by-mail ballot and are prohibited from voting in person at any polling place for that election.~~
- C. Voters may choose to vote-by-mail permanently by completing the required form provided by the City Clerk's office. The form must be submitted to the City Clerk no less than 10 days before any City election. The City Clerk shall maintain a list of all permanent vote-by-mail voters. Any permanent vote-by-mail voter may revoke their status as a permanent vote-by-mail voter at any time. The City Clerk shall remove from the list any permanent vote-by-mail voter who has not voted in two consecutive election cycles.
- D. No vote-by-mail ballot, completed or otherwise, shall be handled or delivered by a candidate or any individual volunteering or working for a candidate, except for their own ballot or that of their immediate family member or a member of their household.
- E. No person may cast a vote using a vote-by-mail ballot that was issued by the City for another person.
- F. A qualified voter may obtain a replacement vote-by-mail ballot if the original ballot was destroyed, spoiled, lost, or for any other reason not received by the registered voter. A qualified voter who obtains a ballot in accordance with this subsection will be required to sign an affidavit, in a form approved by the Board, specifying the reason for requesting the replacement ballot.
- ~~G. If the election is a vote-by-mail election as set forth in § 8-4, the following sections of this article are not applicable: § 8-15B and C, § 8-16 and § 8-17.~~
- H. Section 8-18 of this article does not apply unless an election has been declared a vote-by-mail election pursuant to § 8-4.

**§ 8-17. Rejection or approval of applications for vote-by-mail ballots - non-vote-by-mail election.**

- A. Review of applications.
- (1) The Board shall review and approve or reject all vote-by-mail applications as soon as reasonably practicable and without delay.
  - (2) All applications that request delivery of a vote-by-mail ballot by mail shall be approved or rejected no later than seven days prior to election day.
- B. Rejection of applications.
- (1) The Board shall reject any application for a vote-by-mail ballot if:
    - (a) The application is not filed before the applicable deadline;
    - (b) The application is missing any of the information required by § 8-16 of this article;
    - (c) The applicant is not eligible to vote;

- (d) The Board has already granted a previous application filed by that applicant; or
  - (e) The voter has already voted in person on an early voting day.
- (2) The Board may not reject the vote-by-mail application of any person except by unanimous vote.
  - (3) If a vote-by-mail application is rejected, the Board shall promptly notify the applicant of the reason(s) therefor.
- C. Approval of applications; delivery of vote-by-mail ballots.
- (1) If an application is not rejected under Subsection B of this section, the Board shall, as soon as reasonably practicable, mail the applicant's ballot or make the ballot available for pickup at the office of the Board if the applicant so indicated on their application.
  - (2) The Board shall mail all ballots that approved applicants have requested to be delivered by mail no later than seven days prior to election day.
  - (3) If the applicant is entitled to free postage privileges under any federal law, rule, or regulation, the Board shall take full advantage of these privileges.
  - (4) Not more than one vote-by-mail ballot may be mailed or provided to any applicant unless the Board has reasonable grounds to believe that the vote-by-mail ballot previously mailed has been lost, destroyed, or spoiled.
  - (5) Upon the mailing or delivery of a vote-by-mail ballot, the Board shall:
    - (a) **Record** Remove the approved applicant's voter record in the precinct register as a vote-by-mail. ~~voterecord from the precinct binder and place it in a separate binder marked "Registered Vote by Mail Voters," which shall be retained in the office of the City Clerk; and~~
    - (b) ~~Place a marker in the regular precinct binder that indicates the voter's name, that a vote-by-mail ballot has been mailed or delivered, and the date on which the ballot was sent or delivered.~~

#### § 8-18. Specific provisions for vote-by-mail election.

- A. Vote-by-mail ballots for the election must be mailed or distributed no more than 45 days and no less than 30 days prior to the election to which they apply. Postage for transmitting the ballot material to the voter and postage for the return of ballots shall be paid by the Board.
- B. **The Board will mail ~~one~~two notices to all households in the City and at least ~~three~~ two notices and reminders to all qualified voters in the City informing them of the vote-by-mail ballot voting deadlines and the date, time, and location of the in-person voting on election day.** The first notice will be mailed or distributed no later than 90 days prior to the election. ~~The notices will be in addition to the mailing of the ballot itself.~~ The Board will also provide at least one other form of mass communication informing the public of the City election, which must include all of the information required on the notices.

#### § 8-19. Form and contents of vote-by-mail ballots and related materials.

- A. The Board shall prescribe the size, form, arrangement, and printed contents of vote-by-mail ballots, except that all such ballots shall:
  - (1) Be in paper form;
  - (2) Display the heading "Vote-by-Mail Ballot" printed in large letters in a clear space at the top of each paper ballot;

- (3) Display the following **clear instructions** on how to mark the ballot,; printed in large letters in a clear space below the ballot heading: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying marks.";
- (4) Clearly display the applicable election ward;
- (5) List candidates by office and then alphabetically by last name within each office; and
- (6) List referendum questions following the listing of candidates for all offices.
- B. The Board shall prescribe the size, form, arrangement, and printed contents of the following materials, which shall be included with every vote-by-mail ballot:
- (1) Vote-by-mail ballot material envelopes, providing for a covering envelope, a ballot envelope, and a return envelope;
- (2) Printed instructions for the marking and casting of vote-by-mail ballots; and
- (3) A certification of assistance form.

### § 8-22. Procedure for canvassing vote-by-mail ballots.

- A. ~~In an election that is primarily vote by mail pursuant to § 8-4B of this chapter, The Board of Elections may begin to process the vote-by-mail ballots in preparation for counting and tabulation 15 days prior to an election. which is primarily vote by mail. The process shall be open to the public in accordance with applicable law and regulations and may include opening ballot envelopes, unfolding the ballots, and scanning the ballots. Votes may not be counted or tabulated until the polls close on election day.~~
- ~~B. Time for opening or unfolding ballots. The Board shall not open or unfold any vote by mail ballots at any time before the closing of the polls and the beginning of the canvass of the ballots.~~
- C. Procedure generally.
- (1) 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 City Municipal Building and shall proceed to count, certify, and canvass the vote-by-mail ballots contained in the ballot envelopes received before the closing of the polls on election day.
- (2) This canvass shall be conducted by ward in accordance with the applicable provisions of § C4-11 of the City Charter.
- (3) All vote-by-mail voters' applications, certifications, ballot envelopes, and ballots shall be kept separate and apart from other ballot types and election materials.
- (4) Before opening any ballot, the Board shall inspect the ballot and determine the following:
- (a) That the provisions for filling out and signing the oath on the outside of the ballot envelope have been substantially complied with;
- (b) That the voter is entitled to vote under this chapter in a ward of the City; and
- (c) That the voter has not already voted **in person on an advance voting day or on election day.**
- (5) If the Board is satisfied that a ballot meets all of the criteria set forth in Subsection B(4) of this section, the Board shall open the ballot envelope, remove the ballot therefrom, **and process the ballot according to the Board's procedures.** ~~place the ballot in a vote by mail ballot box, and~~

**The Board or their designee** shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, ~~using the initials "VBM" to indicate the vote has been by a~~ **vote-by-mail ballot.**

ARTICLE VII  
**Campaign Finance**

**§ 8-29. Filing reports.**

- A. Reports required by this article shall be filed pursuant to the following schedule:
- (1) Initial report. An initial report shall be filed on the 21st day preceding election day.
  - (2) Second report. A second report shall be filed on the seventh day preceding election day.
  - (3) Third report. A third report shall be filed on the 45th day following election day. If the campaign no longer has a cash balance, unpaid bill(s), or deficits, an end of campaign certification may also be filed. Retention or disposition of unspent campaign funds must be dealt with per § 8-34F. [**Added 9-19-2022 by Ord. No. 2022-04<sup>3</sup>**]
  - (4) Annual reports. An annual report shall be filed on or before the first Tuesday in September of each year until the cash balance, unpaid bill(s), or deficit is eliminated and a final report, reflecting the disposition of funds and end of campaign certification, is filed with the City Clerk's office. This annual report shall encompass all contributions received and expenses made since the most recent prior report. [**Amended 9-19-2022 by Ord. No. 2022-04**]
  - (5) Corrected reports. Corrected reports shall be filed in the time frame established in § 8-29B of this article.
- B. Reports must be filed with the office of the City Clerk by 1:00 p.m. on the day they are due.

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

