

ARTICLE I  
**Financial Contributions and Expenditures**  
**[Adopted 4-11-2016 by Ord. No. 20-2016]**

**§ 18-1. Reporting of contributions and expenditures — candidates.**

Every candidate for election to any elective office provided for in the City Charter shall file with the City Ethics Commission written reports in accordance with this article of all cash and in-kind contributions received, or by any other person acting on the candidate's behalf and known to the candidate, for use in connection with the candidate's campaign for election, and any expenditures made, or known to have been made by any person other than the candidate on the candidate's behalf, in connection with such election. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. An in-kind contribution shall be considered anything of value, other than a gift of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate or political committee.

**§ 18-2. Time and manner of reporting — candidates.**

- A. The first report of a candidate in an election shall be filed with the City Ethics Commission on or before the last day to file for elected office.
- B. The second report of such a candidate shall be filed with the City Ethics Commission 15 days before the election.
- C. The third report of such a candidate shall be filed with the City Ethics Commission seven days before the election.
- D. The next report of every candidate, whether elected or not, shall be filed on the last day of the month in which the election was conducted. **[Amended 1-14-2019 by Ord. No. 08-2018]**
- E. Thereafter, every candidate shall annually file by December 31 a report of any contributions received or expenditures made by the candidate or any other person on the candidate's behalf from the day of filing of the last prior report and any balance remaining in the account. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.
- F. The first report filed by any candidate shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made since the date of his last prior report through the day immediately preceding the date of the filing of such first report. Each subsequent report by any candidate shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.
- G. The City Ethics Commission may extend the filing deadline of any report required

by this section due to exigent circumstances.

- H. Every such report shall be available for inspection by any person at the City offices during regular business hours.
- I. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.
- J. Any candidate who shall fail to timely file a report required by this section shall be subject to a fine of \$100.

**§ 18-3. Reporting of contributions and expenditures — political committees.**

Any political committee making independent expenditures in excess of \$250 in cash or in-kind contributions to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office shall file with the City Ethics Commission reports in accordance with this article of all monetary and in-kind contributions received and expenditures made. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. An in-kind contribution shall be considered anything of value, other than a gift of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate or political committee. Expenditures by a political committee may not be coordinated with any candidate or group of candidates.

**§ 18-4. Time and manner of reporting — political committees.**

- A. The first report of a political committee shall be due within three days of collecting or expending the first \$250 or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office.
- B. The second report of such political committee shall be filed with the City Ethics Commission 29 days before the election.
- C. The third report of such political committee shall be filed with the City Ethics Commission 15 days before the election.
- D. The fourth report of such political committee shall be filed with the City Ethics Commission seven days before the election.
- E. The next report of such political committee shall be filed on the last day of the month in which the election was conducted. **[Amended 1-14-2019 by Ord. No. 08-2018]**
- F. Thereafter, every such political committee shall annually file by December 31 a report of any contributions received or expenditures made to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.

- G. The first report filed by any such political committee shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office since the date of this last prior report through the day immediately preceding the date of the filing of such first report. Each subsequent report by any political committee shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.
- H. Every such report shall be available for inspection by any person at the City offices during regular business hours.
- I. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.

**§ 18-5. Reporting of individual expenditures.**

Any individual that expends a cumulative total of \$250 or more in cash or in-kind contributions to assist in the promotion of the success or defeat for any candidate or slate of candidates for City office shall file reports of such expenditures with the City Ethics Commission in accordance with this article. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided.

**§ 18-6. Time and manner of reporting — individuals.**

- A. The first report of an individual shall be due within three days of collecting or expending the first \$250 or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office.
- B. The second report of such individual shall be filed with the City Ethics Commission 29 days before the election.
- C. The third report of such individual shall be filed with the City Ethics Commission 15 days before the election.
- D. The fourth report of such individual shall be filed with the City Ethics Commission seven days before the election.
- E. The final report of such an individual shall be filed on the last day of the month in which the election was conducted. **[Amended 1-14-2019 by Ord. No. 08-2018]**
- F. Each report shall include each expenditure made since filing the previous report through the day immediately preceding the date of the report.
- G. Every such report shall be available for inspection by any person at the City offices during regular business hours.

- H. If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when City offices are open for regular business.

**§ 18-7. Failure to file report.**

- A. Any candidate who shall fail to file the first report required by this article on or before the last day to file for elected office or who shall fail to file any report required by this article within two business days of its due date shall not be eligible for election, and his or her name shall not appear on the ballot for such election.
- B. Any candidate elected to the office to which he or she seeks, who shall fail to file any report required by this article to be filed before an election or fails to pay any fine imposed under this article, shall not be administered the oath of office and permitted to serve until such report has been filed and the fine has been satisfied.
- C. For the purposes of this article, a candidate, political committee or individual must not only file a timely required report, but said report must be complete and materially correct. All reports shall be reviewed and approved by the Ethics Commission. The Ethics Commission may impose fines and penalties for incomplete and incorrect reports which are filed. **[Added 1-14-2019 by Ord. No. 8-2018]**

**§ 18-8. Custody of reports.**

All reports required by this article shall be retained by the City and maintained by the City Ethics Commission in a separate filing system as provided by the City for not less than seven years after the election to which they pertain. The Taneytown Ethics Commission shall make all forms filed available for public inspection and create summaries thereof for publication by the City.

**§ 18-9. Restrictions on campaign contributions.**

- A. No candidate may accept, in connection with any election, a contribution in cash in excess of \$500 or an in-kind contribution, or combination thereof, the value of which is in excess of \$500 from any one person. No person may contribute or promise to contribute, in the aggregate, more than \$500 in cash, or in-kind contributions valued at more than \$500, to any one candidate in connection with any one election. No person may contribute or promise to contribute, in the aggregate, more than \$500 in cash, or in-kind contributions, or combination thereof, valued at more than \$500 per candidate, to any one political committee. No person may contribute more than a total of \$1,500 in connection with any one election. No candidate shall accept any contribution in excess of \$25 in cash unless it be by check, money order or other written or electronic instruments. No candidate or political committee shall accept any anonymous contributions. Any anonymous contribution received by a candidate or a political committee shall be promptly paid over to the City to be used for any lawful purpose.
- B. The contributions of a candidate to the candidate's own campaign are not subject to

the limitations of this section, however said monetary contributions must pass through a campaign account unless such self-funded contributions do not exceed \$500, no other contributions are received by said candidate, and the candidate has elected to be self-funded and signed the necessary affidavit as provided by this article. Said contributions shall be reported as required in other provisions of this article. **[Amended 1-14-2019 by Ord. No. 8-2018]**

- C. Any campaign contributions received by a candidate or political committee must be deposited in a separate account with a financial institution. Said accounts must be checking accounts. Campaign contributions must not be commingled with any other funds. **[Amended 1-14-2019 by Ord. No. 8-2018]**
- D. No campaign contributions shall be received within seven days of the election.
- E. The limits on contributions contained in this article are based on a calendar year.

**§ 18-10. Loans to candidates.**

- A. A loan to a candidate is considered a contribution in the amount of the outstanding principal balance of the loan unless:
  - (1) The loan is from a financial institution or other entity in the business of making loans; or
  - (2) The loan is to a candidate and:
    - (a) Repayment of the loan is personally guaranteed by the candidate; and
    - (b) Repayment of the loan is required within one year from the date of the loan.
- B. A loan by a candidate or the candidate's spouse to a candidate is exempt from the requirements of Subsection A of this section.
- C. The total amount of all loans to a candidate for one election cycle shall not exceed \$10,000.

**§ 18-11. Prohibition on use of campaign contributions. [Amended 1-14-2019 by Ord. No. 08-2018]**

- A. No candidate or political committee may pay a fine issued for violations of this article with campaign contributions.
- B. No campaign expenditure shall be made in cash. All expenditures shall be made by check from the campaign account, except as otherwise provided by this article in provisions relating to candidates who have filed a self-funding affidavit. **[Added 1-14-2019 by Ord. No. 8-2018]**

**§ 18-12. Definition of election.**

For the purposes of this article, a run-off election, if required, shall not be deemed as an

election separate and apart from the general election which it follows.

**§ 18-13. Authority lines.**

Campaign material includes, but is not limited to, signs, buttons, letters, tickets, solicitations, sample ballots, mailings, radio and television advertisements, websites, electronic media advertisement, social networking sites, bumper stickers, handouts and paraphernalia. Each item of campaign material must include an authority line, set apart from the other printing or content of the campaign material. The authority line must state the name and address (unless the address is on file with the Ethics Commission) of the person who is responsible for the production and distribution of the campaign material.

**§ 18-14. Robocalls.**

A. All artificial or prerecorded telephone message must include:

- (1) At the beginning of the message, the identity of the business, individual or other entity initiating the call; and
- (2) During or after the message, the telephone number or address of the business, individual or other entity initiating the call.

B. No robocalls shall be made after 8:00 p.m.

**§ 18-15. Restrictions.**

No person other than a candidate, treasurer or other agent of such candidate, or political committee, shall make an expenditure to aid or promote the success or defeat of a candidate. No person may avoid the limitations on permitted campaign contributions by making an expenditure to aid or promote the success or defeat of a candidate. However, any individual may pay for the cost of publishing his or her own personal views as to a candidate. A person shall be identified if campaign materials are prepared or authorized by a candidate, treasurer of the candidate, political committee or done in coordination with a candidate, a candidate's treasurer or political committee.

**§ 18-16. Contributors.**

Any corporation, business, other legal entity or a natural person shall have the right to make any contribution to or expenditure on behalf of a candidate, and any candidate may accept a contribution from the above-named sources in accordance with the provisions of the City Code.

**§ 18-17. 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:

- A. Returned, pro rata, to the contributors by the treasurer; or
- B. Paid to a charitable organization registered pursuant to Article 41, § 103B, of the

Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, § 103, of the Annotated Code of Maryland, as amended;<sup>1</sup> or

- C. 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
- D. Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

**§ 18-18. Forms and self-funding affidavit. [Amended 1-14-2019 by Ord. No. 08-2018]**

- A. The Taneytown Ethics Commission shall be responsible for promulgating the forms necessary to carry out the intent of this article. A form shall be provided for candidates that solely self-fund their campaign and expend less than \$500, which shall contain an affidavit to such information and will be filed with the first report required under this article. Upon making this election, the candidate is prohibited from expending more than \$500 and accepting campaign contributions for the remainder of the election cycle. These candidates shall be required to file an expenditure report at the times required by this article.
- B. Further, the Ethics Commission shall be empowered to request and receive any and all documentation from those regulated under this article, to support, substantiate, or investigate matters related to the purposes of this article.

**§ 18-19. Violations; injunctive relief. [Amended 1-14-2019 by Ord. No. 08-2018]**

- A. To enforce compliance with the provisions of this article, the Ethics Commission may impose fines up to \$500 for each violation to the provisions of this article.
- B. Any person who willfully violates the provisions of this article shall be guilty of a misdemeanor. Any officer or employee of the City government who is convicted of a misdemeanor under the provisions of this article shall immediately, upon a guilty finding, cease to hold such office or employment.
- C. In addition thereto, the City may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue a restraining order, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.

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1. Editor's Note: See now Title 6 of the Business Regulation Article of the Annotated Code of Maryland.