

NORTH BEACH ELECTION CODES

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Offenses and Penalties

Section 10-1. False registration.

Every person convicted of any offense under the provisions of this Section shall be punished by a fine of not more than \$1,000 or by imprisonment in jail or in the penitentiary for not more than five (5) years, or both, in the discretion of the Court. The following offenses shall be applicable to any actions or conduct of any Board acting under the provisions of this Article.

(a) Falsely to impersonate a voter or other person, and register or attempt to offer to register in the name of such voter or other person;

(b) To register or attempt to make application to register in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own;

(c) To register to vote in two election districts or precincts not having a legal right to register therein;

(d) Having registered in one election district or precinct, to attempt or offer to register in any other election district or precinct, not having a legal right to register therein;

(e) Knowingly or wilfully to falsify his residence with the intent to register in the wrong district or precinct;

(f) Knowingly or wilfully to do any unlawful act to secure registration for himself or any other person;

(g) Knowingly, wilfully, or fraudulently by false impersonation or otherwise, or by any unlawful means to cause or procure the name of any qualified voter in any election district or precinct to be erased or stricken, as in this Article provided, from any registry of the voters of such district or precincts made in pursuance of this Article or otherwise;

(h) By force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means to prevent, hinder, or delay any person having a lawful right to register or be registered from duly exercising such right;

(i) Knowingly, wilfully, or fraudulently to compel or induce or attempt or offer to compel or induce, by such means or by any unlawful means any officer of registration in any election district or precinct to register or attempt to register any person not lawfully entitled to registration in such district or precinct;

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(j) To register any false, assumed, or fictitious name, or any name of any person, except as provided in this Article;

(k) Knowingly, wilfully, or fraudulently to interfere with, hinder, or delay any officer of registration in the discharge of his duties;

(l) To counsel, advise, or induce, or attempt to induce any such officer to refuse or neglect to comply with or perform his duties, or to violate any law prescribed for regulating the same;

(m) To aid, counsel, procure, or advise any voter, person, or officer of registration to do any act by law forbidden or in this Article constituting an offense, or to omit to do any act by law directed to be done.

Section 10-2. False voting and other willful acts.

Every person convicted of any offense under the provisions of this Section shall be punished by a fine of not more than \$2,500 or by imprisonment in jail or in the penitentiary for not more than five (5) years, or both, in the discretion of the Court. The following offenses shall be applicable to any election:

(a) Falsely impersonate any voter or other person, and vote or attempt or offer to vote in or upon the name of such voter or other person, or to vote or attempt to vote in or upon the name of any other person, whether living or dead, in or upon any false, assumed, or fictitious name, or in or upon any name not his own;

(b) Knowingly, wilfully, or fraudulently to vote more than once for any candidate for the same office, except as authorized by law;

(c) To vote or attempt or offer to vote in any election district, or precinct without having a legal right to vote therein;

(d) To vote more than once, or vote in more than one election district or precinct, not having a legal right to vote therein;

(e) Having once voted in an election, to vote or attempt to vote again in the same election;

(f) Knowingly, wilfully, or fraudulently to do any unlawful act to secure for himself or for any other person a right or opportunity to vote;

(g) By force, threat, menace, intimidation, bribery, or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, to influence or attempt to influence any voter in giving his vote; or,

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(1) By such means to prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the right of suffrage; or,

(2) By any such means to induce or attempt to induce any such voter to exercise any such right; or

(3) By any such means or otherwise to compel or induce or attempt to compel or induce any judge in any election district or precinct to receive the vote of any person not legally qualified or entitled to vote at the said election in such district or precinct;

(h) Knowingly, wilfully, or fraudulently to interfere with, delay, or hinder in any manner any judge in discharge of his duties; or,

(i) Knowingly, wilfully, or fraudulently to counsel, advise, induce, or attempt to induce any judge whose duty it is to ascertain, proclaim, announce, or declare the result of any such election, to give or make any false certificate, document, report, return, or other false evidence in relation thereof; or to refuse or neglect to comply with his duty, or to violate any law regulating the same; or to receive the vote of any person in any election district or precinct not entitled to vote therein; or to refuse to receive the vote of any persons entitled to vote therein;

(j) To aid, counsel, advise, procure, or assist any voter, person, or judge to do any act by law forbidden or in this Article constituted an offense;

(k) To wilfully omit to do any act by this article directed to be done.

Section 10-3. Neglect or fraud by officials.

If any judge or any officer or official of registration, revision, election, or canvass of any member of any committee, or of the governing body of whom any duty is required in this Article, or by any other election law of this State shall be guilty of any willful neglect of such duty or any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be punished by imprisonment in jail for not less than thirty (30) days nor more than three (3) years or by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

Section 10-4. Election officials not serving.

Any person selected by any Board as a judge, as hereinbefore in this Article provided, who shall fail or refuse to serve as such judge, or who having been notified by said Board to appear for examination of his qualifications for judge shall fail or

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refuse so to appear for examination, shall be fined not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300) unless it shall appear that he was not qualified for such service or appearance for such examination by reason of ill health, infirmity, or old age.

### Section 10-5. Absence of election officials.

If any officer of registration shall without authorization absent himself from the place of registration during the hours prescribed by law for registering voters, or if any judge shall without urgent necessity be late at the opening of the polls at any election, or shall absent himself therefrom during the election or during the canvass of ballots or the making up of the returns, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in jail for not less than ten (10) days nor more than six (6) months or shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500).

### Section 10-6. Election officials to follow majority action.

If at any registration of voters or revision thereof, any officer of registration shall knowingly and wilfully admit any person to registration or make any entry upon any register, unless a majority of the Board of Registry are present and concur, or if at any election any judge shall receive any vote or proceed with the canvass of ballots, or shall consent thereto, unless a majority of the judges in said precinct are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished in jail for not less than ten (10) nor more than ninety (90) days, or by a fine of not less than ten dollars (\$10) nor more than two hundred and fifty dollars (\$250), or by both such fine and imprisonment, in the discretion of the Court.

### Section 10-7. False poll list.

If any election official shall wilfully keep a false registry or poll list or shall knowingly insert in any registry or poll list any false statement or any name or statement or any check, alteration, or mark, except as in this Article provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years.

### Section 10-8. Illegal conduct of judges of election.

Every judge who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall wilfully omit to challenge any

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person offering to vote whom he knows or suspects to be not entitled to vote and who has not been challenged, or who shall distribute any type of listing of persons who have or have not voted at an election, or who shall wilfully refuse to permit inspection of the public counter of any voting machine, or, if ballot boxes are used, to open and show the ballot box to be empty prior to the opening of the polls, or who shall permit any barricade or obstruction of any kind to be interposed so that all who desire cannot constantly see such voting machine or ballot box, shall, upon conviction thereof, be punished by imprisonment in jail or in the penitentiary for not less than three (3) months nor more than two (2) years.

### Section 10-9. False tallies or certificates.

Every judge or other officer or person who shall make, sign, publish, or deliver any false tally or return of any election, or any false certificate or statement of the result of any such election, knowing the same to be false, or who shall wilfully deface, destroy, or conceal any statement, tally, or certificate entrusted to his care and custody, shall on conviction thereof be adjudged guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one (1) nor more than (10) years.

### Section 10-10. Adding votes to machines and stuffing ballot boxes.

Every person convicted of an offense under this Section shall be adjudged guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years. Such offenses shall be as follows:

(a) If any person shall knowingly or wilfully use or permit any vote to be recorded on a voting machine at any time other than when duly admitted to the voting machine to cast his ballot in the election district or precinct in which he is entitled to vote; or

(b) If any person other than a judge shall at any election knowingly and wilfully put or, cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or

(c) If any judge of election shall knowingly or wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have begun; or

(d) If any judge shall knowingly, wilfully, or fraudulently put any ballot or other paper having semblance thereof in any such box at any such election, unless the same shall be offered by a voter whose name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this Article; or

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(e) If any judge or other officer or person shall fraudulently during the canvass of ballots in any manner change, substitute, or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed, or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots taken from the ballot box then being canvassed or from any ballot box which has not been canvassed.

### Section 10-11. Defacing or removing records.

(a) **Election officials.** Every judge or other officer or person having the custody of any record, registry of voters, or copy thereof, oath, return or statements of votes, certificate, poll list, or any papers, documents, ballots, coupons, or vote of any description in this Article directed to be made, filed, or preserved, who is guilty of concealing, wilfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this Article, or who permits any other person to do so, shall upon conviction thereof, be adjudged guilty of a felony and shall be punished for each and every offense by imprisonment in the penitentiary for not less than one (1) nor more than (10) years.

(b) **Other persons.** Every person not such an official as mentioned hereinabove in this Section, who is guilty of any of the acts therein specified, or who advises, procures, or abets the commission of the same, or any of them, shall upon conviction thereof be adjudged guilty of a felony. For each and every such offense, he shall be punished by imprisonment in the penitentiary for not less than one (1) nor more than ten (10) years; and such offense shall be deemed to have been committed whether such person has or had any custody or control, rightful or otherwise, over, or is charged with any duty in relation to said records, registers, ballots, coupons, or other documents.

### Section 10-12. Perjury.

Any person convicted of wilfully and falsely swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this Article, or prescribed by the Board of Election Laws, shall be guilty of perjury and shall be punished according to the laws of the State for such offense.

### Section 10-13. Subornation of perjury.

Every person who shall wilfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or to offer so to do, shall, upon conviction thereof, be adjudged guilty of subornation of perjury and shall suffer the punishment directed by law in cases of perjury.

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### Section 10-14. Voting by person who has lost civil rights.

If any person who shall have been convicted in this or any other state or any federal court of any infamous crime as defined in this State and who is rendered ineligible to vote pursuant to Subsection 3-4(c) of this Article, who shall vote or offer to vote at any election in this Town held at any time during which such person is not eligible to vote, he shall, upon conviction thereof, be adjudged guilty of a felony. For each and every such offense, he shall be punished by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years.

### Section 10-15. Disobedience to election officials.

If any person shall wilfully disobey any lawful command of any judge or of any Board of Registry, given in the execution of his or their duty as such at any registration or any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in jail for not less than thirty (30) days nor more than six (6) months, or by a fine of not less than ten dollars (\$10) nor more than two hundred and fifty dollars (\$250) or by both such fine and imprisonment, in the discretion of the Court.

### Section 10-16. Breach of the peace.

If during any registration of voters or revision thereof, or on the day of any election, or during the canvass of votes cast thereat, or during any subsequent canvass by any board of canvassers, any person shall cause any breach of the peace or be guilty of any disorder, violence, or threats of violence whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any officer or board or registration, or of any judge or other officer of such election or challenger or person designated to be present during the reception or canvass of any ballots, or of any canvassing board as hereinbefore provided are interfered with, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in jail for not less than thirty (30) days nor more than one (1) year or by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

### Section 10-17. Hindering election officials.

(a) The following offenses shall be misdemeanors and punishable under the provisions of this Section.

(1) Any person who knowingly or wilfully shall obstruct, hinder, or assault, or by bribery, solicitation, or otherwise interfere with any officer of registration or any judge or challenger or person designated, as provided in this Article, to be present at the reception or canvass of

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any ballots, in the performance of any duty required by him or which he may by law be authorized or permitted to perform; or

(2) Any person by any of the means before mentioned or otherwise unlawfully who shall on any day of registration or revision of registration or on the day of any election hinder or prevent any officer of registration, judge, challenger, or person designated as provided in this Article to be present at the reception or canvass of ballots, in his free attendance and presence at the place of registration or revision of registration, or of election in the election district or precinct in and for which he is appointed and designated to serve, or in his full and free access and egress to and from any such place of registration, revision, or registration or of election, or to and from any room where such registration, revision, or registration or election or canvass of votes or making of any return and certificates thereof may be had; or

(3) Who shall molest, interfere with, remove or eject from any such place of registration or election or of canvassing ballots cast thereat or of making returns or certificates thereof, any such officer of registration, judge, challenger, or person designated as provided in this Article to watch the reception or canvassing of any ballots except as otherwise provided in this Article.

(b) Violation of this Section is punishable by imprisonment in jail for not less than three (3) months nor more than one (1) year, or by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or by both fine and imprisonment.

### Section 10-18. Destroying ballot box; defacing election records.

If any person upon the day of any election or before the canvass of votes is completed shall conceal or wilfully break or destroy any ballot box used or intended to be used at such election or shall wilfully or fraudulently conceal, secrete, or remove any such box from the custody of the judges or other official in charge thereof, or shall alter, deface, injure or destroy or conceal any ballot which has been deposited in any ballot box at such election which has not been counted and canvassed, or any poll list used at such election, or any report, return, certificate, or any evidence in this Article required, he shall, upon conviction thereof, be adjudged guilty of a felony and shall for each and every such offense be punished by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years.

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### Section 10-19. Tampering with voting machines.

Any judge or other person who shall tamper with or damage, or attempt to damage any voting machine to be used or being used in any election, or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to undergo imprisonment of not more than one (1) year, or to pay a fine not exceeding one thousand dollars (\$1,000) or both, in the discretion of the Court.

### Section 10-20. Fraudulent certificates or endorsements.

Whoever shall falsely make or fraudulently deface or fraudulently destroy any certificate of candidacy or any part thereof, or file any such certificate, knowing the same or any part thereof to be falsely made, or suppress any certificate of candidacy which has been duly filed, or any part thereof, or forge or falsely make the official endorsement on any ballot shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisonment in jail for a period not exceeding three (3) years or by both fines and imprisonment, in the discretion of the Court.

### Section 10-21. Removal or destruction of equipment.

Whoever shall during any election remove or destroy any of the equipment, supplies, or other conveniences placed in the polling places or shall during such election remove, tear down, or deface any of the cards, diagrams, ballot slips, or specimen ballots printed for the instruction of voters shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in jail for a period not exceeding one (1) year or by both fine and imprisonment in jail for a period not exceeding one (1) year, in the discretion of the Court.

### Section 10-22. Offenses as to ballots and balloting in general.

(a) The following offenses shall be misdemeanors and punishable under the provisions of this Section, for any person except as in this Article otherwise provided:

- (1) To allow his ballot to be seen by any person with the apparent intention of letting it be known how he is about to vote; or
- (2) To place any distinguishing mark upon his ballot; or
- (3) To make a false statement as to his inability to mark his ballot or to operate a voting machine; or

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(4) To interfere or attempt to interfere with any voter when inside the enclosed space in the polling room or when marking his ballot or when operating a voting machine; or

(5) To endeavor to induce any voter when inside the enclosed space in the polling room before voting to show how he marks or has marked his ballot; or

(6) Between the time of the opening and closing of the polls, to open the door or other covering concealing the counters of any voting machine except as provided by Subsection 9-10(g) of this Article.

(b) Violation of this Section is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in jail for a period not exceeding sixty (60) days or by both fine and imprisonment, in the discretion of the Court.

### Section 10-23. Defacing and illegal possession of ballots; illegal electioneering.

(a) The following offenses shall be punished as in this Section provided for any person:

(1) Wilfully to destroy or deface any ballot or, except as provided in this Article, to take or remove any ballot outside of the building in which voting occurs before the close of the polls; or

(2) Wilfully to delay the delivery of any ballot; or

(3) On or before the day of any election to have or retain in his possession any official ballot printed for said election unless such possession by him is necessary or appropriate and designed for the purpose of carrying out the true intent and meaning of this Article, or

(4) To canvass, electioneer, or post any campaign material in said polling place or beyond a line established by signs posted in accordance with this paragraph. At each polling place, two election judges shall be designated by the Election Board and acting jointly shall post signs outlining a line around the entrance and exit of the building closest to that part of the building in which voting occurs. The line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement of public safety and the flow of pedestrian and vehicular traffic. The signs shall contain the following or comparable language: "No electioneering beyond this point."

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(b) Violation of this Section is punishable by fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or shall be imprisoned in jail for not exceeding sixty (60) days or shall be subject to both fine and imprisonment, in the discretion of the Court.

### Section 10-24. Use of alcoholic beverages.

Whoever during the hours of registration or revision of registration, or during the hours of election or canvass of votes, or of taking returns thereof in any election district or precinct shall bring, take, order, or send into or shall attempt to bring or take or send into any place of registration or revision of registration or of election any distilled or spiritous liquors, wine, ale, or beer, or who shall at any such time and place drink or partake of such liquor shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

### Section 10-25. Wagers on elections.

Any person who shall make any bet or wager upon the result of any election to take place in this Town shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) to be paid to the Town. Every deposit of money in any part of this State as a bet or wager upon the result of any election of this Town or elsewhere shall be forfeited and paid over to the Mayor and Council for the use of the Town.

### Section 10-26. Time off for employees to vote.

(a) Except as provided in Subsections 2-8(b)(2) and (a), at every election held in this Town, every employer, whether a body corporate, firm, or individual, shall allow any employee who is a registered voter in the Town a period not to exceed two hours absence from work on election day if the employee does not have two hours of continuous off-duty during the time the polls are open, with pay, to vote; and the employee shall furnish to the employer proof that he has voted. For failure thereof, the employer shall be guilty of a misdemeanor and upon conviction thereof shall for each and every offense pay a fine not exceeding the sum of five hundred dollars (\$500) or be imprisoned in jail for a period not exceeding six (6) months or both, in the discretion of the Court. Upon request, the judges of election shall furnish to the employee a receipt indicating such proof as required above.

(b) The receipt evidencing proof of voting by any employee shall be on a form prescribed by the State Administrative Board of Election Laws.

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### Section 10-27. General penalty.

Any misdemeanor under this Article for which no penalty is specially provided shall be punished by imprisonment in jail for not less than thirty (30) days nor more than six (6) months or by a fine of not less than ten dollars (\$10) nor more than two hundred and fifty dollars (\$250) or by both such fine and imprisonment, in the discretion of the Court. Conviction of any criminal violation of this Article shall disqualify the person convicted from serving as an election judge, Board member, or as an employee of an Election Board.

### Section 10-28. Defenses.

Irregularities or defects in the mode of giving notice of holding or conducting a registration or election authorized by law shall constitute no defense to a prosecution for a violation of the provisions of this Article.

### Section 10-29. Referenda.

Every act which by the provisions of this Article or other laws of the Town is made a crime when committed with reference to the election of a candidate shall be equally criminal and subject to the same punishment when committed with reference to a proposition to be submitted to the people to be decided by the votes cast at an election.

### Section 10-30. Enforcement duties of supervisors.

It shall be the duty of the Boards to aid in the prosecution of all crimes and offenses against this Article, and when, in the judgment of the Board members, there is probable cause for believing that an offense has been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provisions of this Article.

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Miscellaneous Provisions

Section 11-1. Oaths.

(a) Certificate of officer; who may administer; no charge. All oaths required by this Article to be in writing shall have a certificate of the officer making the same attached and signed by him, and the Board members, officers of registration, and judges of election are hereby empowered to administer all oaths and affirmations required in the discharge of the duties of the respective offices; and no charge shall be made for any oath or affirmation given in a polling place, place of registration, or the offices of the Boards.

(b) Presumption of oath on registration. The fact that a registration official has qualified a voter and signed the registration record to that effect shall be sufficient presumption that the answers so recorded were made under oath to such registrar as required by this Section.

Section 11-2. Publication of election laws.

The text of this Article with said forms and instructions so prepared and with a proper index thereto shall be published by the Mayor and Council of the Town and shall be distributed by them to the Board of Supervisors of Elections in quantities sufficient to supply all the judges and other officers requiring the same. The expense of printing and of necessary administrative and clerical assistance shall be paid from the treasury of the Town. A price shall be fixed by the Mayor and Council for which copies may be furnished to purchasers.

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Fair Election Practices

Section 12-1. Elections to which applicable.

The provisions of this Subtitle shall apply to all elections in which ballots shall be cast pursuant to the provisions of this Article.

Section 12-2. Summary of election laws; forms.

The Board of Supervisors of Elections shall summarize provisions of the election laws relating to campaign contributions and expenditures and provide for the distribution of this summary to all candidates for election to public office at the time such candidates file for election to public office and shall prepare and include in such distribution to each candidate specimen forms provided for in this Subtitle.

Section 12-3. Appointment of treasurer, subtreasurer, or campaign manager; resignation of treasurer; reports of candidate, treasurer, and subtreasurer; candidate joining slate.

(a)(1) Each candidate for nomination for or election to public office, upon or before, and as a condition precedent to qualifying as candidate, shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer with the Board, as provided in Subsection (c) of this Section. Every treasurer so appointed shall accept the appointment in writing prior to the filing of his name as treasurer. The Board may not accept any certificate of candidacy, either finally or conditionally, unless the name of the treasurer has previously been filed with it as provided in this Subsection. The candidate and treasurer shall file campaign fund reports in accordance with Section 12-9.

(2) A treasurer who resigns shall do so on a form prescribed by the State Administrative Board of Election Laws signed by him, filed with the Board where the original appointment was filed. The candidate immediately shall appoint and file a new treasurer in accordance with this Section.

(3) A member of the Board or any permanent, part-time, or temporary employee of the Board may not be a candidate or campaign manager or treasurer or subtreasurer of any candidate, combination of candidates, or political committee during any part of his tenure in office or employment.

(b) The form for appointment of a treasurer and the acceptance of such appointment by the treasurer shall be on a form prescribed by the State Administrative Board of Election Laws.

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(c) A person may not act as treasurer, subtreasurer, or campaign manager unless the form required in Subsection (b) of this Section is filed with the Board with which the candidate is required to file his certificate of candidacy. Nothing in this Subtitle shall prevent the treasurer, subtreasurer, or campaign manager of any candidate from being the treasurer, subtreasurer, or campaign manager of another candidate or political committee; but a candidate for public office may not designate himself as his own treasurer or subtreasurer or act as the campaign manager, treasurer, or subtreasurer of any other candidate or political committee. A person may not be appointed or act as treasurer or subtreasurer or campaign manager in any election if he is not a citizen, resident, and registered voter of the Town of North Beach.

(d) The treasurer of a political committee or for a candidate may appoint a separate subtreasurer which subtreasurer shall deposit funds, disburse, and account for the same in the same manner as herein provided with respect to a treasurer. It shall be the duty of every such subtreasurer to make a report on the form prescribed in Section 12-10 of this Article to the treasurer appointing him. The subtreasurer's report shall be attached to and the total amounts of contributions and expenditures contained therein incorporated into the treasurer's report prescribed in said Section 12-10 of this Article and fined as required by Section 12-9 of this Article.

(e) Any candidate, after filing the name of a treasurer as prescribed in Subsection (a) of this Section, may choose at any time after the filing to join a group, combination, or organization of candidates, commonly known as a "slate," at which time the candidate shall notify the Board with which his certificate of candidacy was filed in writing of the fact that he has joined the slate and the date on which he did so. The treasurer of the slate shall report in the same manner as the treasurer of any political committee.

### Section 12-4. Expenditures by treasurer.

(a) Contributions and expenditures to pass through treasurer. All contributions, money, or other valuable things collected, received, or disbursed by any candidate or committee for any purpose, shall be paid over to and made to pass through the hands of the treasurer and shall be disbursed by him. It is unlawful for any candidate or any member or members of a committee or for any member or members of a political committee to make any expenditure, to disburse or expend money or any other valuable things for any purposes until the money or other valuable things so disbursed or expended shall have passed through the hands of the treasurer.

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(b) Presentation of statement of moneys due. Any statement of moneys owing by a treasurer or subtreasurer shall be presented for payment to the treasurer or subtreasurer within thirty (30) days after the election in connection with which the liability was incurred.

### Section 12-5. Books, records, and receipts of treasurer or subtreasurer.

(a) Account books. Every treasurer and every subtreasurer shall keep detailed, full, and accurate accounts in a proper book or books, to be called "account books" to be provided and preserved by him of all contributions, money, or valuable things received by or promised to, and of all expenditures, disbursements, and promises of payment or disbursements of money or valuable things made by any committee or any of its officers or members, or by any person acting under its authority or on its behalf, or by the treasurer or subtreasurer, and setting forth in such statement and accounts the sum or valuable thing so received or disbursed or promised, as the case may be, and the date when, the name of the person and his address from whom received or promised or to whom paid or promised, as the case may be, and the object and purposes for which the sum or other valuable thing was received or disbursed or promised, as the case may be. Books and records may be destroyed or discarded at any time after two years from the date of filing the final report required by Section 12-9 unless a court of competent jurisdiction orders their retention for a longer period.

#### (b) Campaign contribution receipts.

(1) Upon receipt and before depositing a contribution, including the proceeds of ticket sales, a "campaign contribution receipt" in a form prescribed by the State Administrative Board of Election Laws shall be issued and delivered either by mail or in person by the treasurer or subtreasurer (i) to each person or treasurer of a committee, group, or organization in whose name a contribution or contributions, other than the purchase of tickets, are made in the individual or cumulative amount of \$51 or more; (ii) to each person or treasurer of a committee, group, or organization in whose name a ticket or tickets are purchased for any dinner, testimonial, cocktail party, barbecue, crab feast, or other campaign-related function in the individual amount of \$51 or more or in the cumulative amount of \$251 or more. Upon request, a receipt must be given for any lesser amount.

(2) If such contribution is received by a subtreasurer, he shall forward the contribution and a duplicate copy of the "campaign contribution receipt" with his report to the treasurer, as required by Sections 12-9 and 12-10 of this Article.

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(3) The treasurer shall retain all "campaign contribution receipts" with his books and records as required by Subsection (a) of this Section and report the information therein in the statement of contributions and expenditures required by Sections 12-9 and 12-10 of this Article.

(4) The "campaign contribution receipt" issued to a contributor shall serve as evidence of a contribution by such contributor.

(c) **Anonymous contributions.** Any money or other thing of value received from any unknown person or source by any treasurer or any subtreasurer, or other persons or committee authorized to incur obligations or to pay or defray obligations or expenses under the provisions of this article, shall not be used for any political purpose whatsoever, but shall be paid by the treasurer, subtreasurer, or other persons or committee so receiving the same, to the Treasurer of the Town of North Beach.

(d) **Disposition of surplus funds.** Prior to the time of filing the final report required by Section 12-9 of this Article, any surplus funds remaining after payment of all campaign expenditures shall be: (1) returned, pro rata, to the contributors by the treasurer; (2) paid to the local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or (3) paid to a charitable organization registered pursuant to Subsection 103B of Article 41 or to a charitable organization exempt from such registration pursuant to Subsection 103C(a) of Article 41 of the Annotated Codes of Maryland.

### Section 12-6. Contributions and expenses of candidates; loans.

(a) **Contributions and expenses.** The contributions of a candidate or his spouse to the candidate's own campaign are not subject to the limitations of Subsection 12-7(b), but must pass through the hands of the candidate's treasurer and be reported as required in other provisions in this Subtitle. Personal expenses of the candidate for filing fees, telegrams, telephoning, travel, and board shall not be considered contributions if paid for by the candidate or his spouse.

(b) **Loans.** No loan may be made to the campaign of a candidate or accepted on behalf of the campaign 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. A copy of the consent shall be furnished to the lender at the time of the loan and attached to the appropriate campaign fund report required by Sections 12-9 and 12-10 of this Article.

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Section 12-7. Contributions and expenses of persons not candidates.

(a) **Restrictions.** No person other than a candidate shall, to aid or promote the success or defeat of any political party or principle or of any proposition submitted to vote at any public election, or of a candidate for nomination for or election to public or party office, make a payment or contribution of money or property or incur any liability or promise any valuable thing to any person other than to the treasurer or subtreasurer of a candidate or treasurer of a political committee in their official capacity. A contribution may be made directly to a candidate provided such candidate shall thereupon report such contribution to his treasurer. Nothing contained in this Subtitle shall limit or affect the right of any person to volunteer his time or 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. However, nothing in this Subsection shall preclude any person from expressing his own 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 his own and that the statement so made is a "paid political advertisement."

(b) **Limit of contributions.** It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute any money or thing of value greater than \$1,000 to any candidate or to contribute money in excess of \$100 except by check in any general, or special election. Total contributions by a contributor under this Subsection shall not exceed \$2,500 in any general or special election.

(c) **Transfer of funds.**

(1) The following types of transfers are exempt from the \$1,000 and \$2,500 limitations set forth in Subsection (b) above:

(i) From one candidate's treasurer to another candidate's treasurer;

(ii) From the treasurer of a committee to the treasurer of another committee;

(iii) From a candidate's treasurer to the treasurer of a committee;

(iv) From the treasurer of a committee to a candidate's treasurer.

(2) Transfers to or from political clubs are subject to the limitations of Subsection (b).

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(3) No transfer of any kind, in any amount, is permitted if it is intended to conceal the true identity of the actual contributor or the identity of the intended recipient.

Section 12-8. Payment for walk-around services on election day.

(a) **Prohibited.** No candidate, slate of candidates, political committee, political party, or any person acting on behalf of any of the foregoing, may at any time, directly or indirectly pay or incur any obligation to pay, nor may any person receive, directly or indirectly any sum of money or thing of value in return for a political endorsement or for walk-around services or any other services as a poll worker or distributor of sample ballots, performed on the day of the election.

(b) **"Walk-around services" defined.** For the purpose of this Section, walk-around services include any of the following activities when performed for money on the day of the election, while the polls are open: (1) distributing to any person any item enumerated in Subsection 12-14(a)(7) of this Title; (2) communicating a voting preference or choice in any manner; (3) stationing any person or object in the path of any voter; or (4) electioneering or canvassing within the meaning of Subsection 10-23(a)(4) of this Article.

(c) **Exceptions.** This Section does not apply to:

(1) Meals, beverages, and refreshments served to campaign workers;

(2) Salaries of regularly employed personnel in campaign headquarters;

(3) Media advertising including but not limited to newspaper, radio, television, billboard, or aerial advertising;

(4) Rent and regular office expenses; or

(5) Cost of phoning voters or transporting voters to and from polling places.

Section 12 9. Election reports to be filed by candidate, treasurer, and committee chairman.

(a) A candidate for election to public office, including write-in candidates and the treasurer designated by that candidate shall file the report or statement of contributions and expenditures as prescribed in accordance with Section 12-10 of this Article with the Board at which the candidate filed his certificate of candidacy. All reports or statements of contributions and expenditures shall be filed in duplicate. Election reports as specified below are required by all candidates for public office whether or not the candidate withdraws subsequent to filing his certificate of candidacy, or

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the candidate is unsuccessful in the election. Each report filed shall contain all contributions received and expenditures made in furtherance of the candidate's election by the candidate himself, or with the knowledge of the candidate, by any other person or groups of persons which shall be complete, except as otherwise provided in this Section through and including the seventh day immediately preceding the day by which that report is to be filed. The initial report filed shall contain all contributions so received and expenditures so made since the date of the last preceding election to fill the office for which he is a candidate. Each subsequent report shall contain all contributions so received and expenditures so made since the end of the period for which the last preceding report is filed. Even if no contributions or expenditures have been made since the end of the period for which the last preceding report was filed, a statement to that effect must be filed on the forms prescribed pursuant to Section 12-10 of this Article under the circumstances and at the times specified in this Section. The initial and subsequent reports shall be consecutively filed as follows:

- (1) No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday; and
- (2) No later than the third Tuesday after the general election; and
- (3) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in Subsection (a)(2) above is filed, six months after the general election; and
- (4) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in Subsection (a)(3) above is filed, one year after the general election; and
- (5) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in Subsection (a)(4) above or any subsequent report or statement is filed, annually on the anniversary of the general election until no cash balance, unpaid bill, or deficit remains; and
- (6) If a cash balance or outstanding debts or deficits were reflected on the last preceding report but have all been eliminated by the date on which the next report is due, then a report clearly marked as "final" shall be filed on or before such date showing all transactions since the last report;
- (7) If a candidate does not intend to receive contributions or make expenditures of \$300 or more, exclusive of his filing fee, he and his treasurer may jointly execute an affidavit to that effect on a form prescribed by the State

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Administrative Board of Election Laws. If he does not in fact receive contributions or make expenditures of \$300 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 \$300, he and his treasurer shall thereafter file all reports required by this Section; failure to do so constitutes a failure to file and the commission of a misdemeanor subject to the penalties prescribed in Section 12-19.

(b) It is the responsibility of the candidate and treasurer, jointly and severally, if it is the statement of a candidate and the chairman and treasurer, jointly and severally, if it is the statement of a committee, to file all reports or statements in full and accurate detail.

(c) (i) In any election year, on or before the dates specified in Subsection (a) of this Section, in lieu of the scheduled reports required to be filed under that Subsection, a political committee which continues in existence from year to year may file an affidavit stating that since the date covered by the last report the committee has not been involved in raising or spending, and does not intend to raise or spend money for that election.

(ii) A political committee which continues in existence from year to year that files an affidavit under this paragraph shall also file an annual report on the anniversary date of the last general election giving a statement of all contributions received and expenditures made since the end of the period for which the last preceding report is filed, as prescribed in Subsection 12-9 of this Article, with the Board.

(iii) If, subsequent to the filing of the affidavit provided in this paragraph, a political committee which continues in existence from year to year receives contributions or makes expenditures in connection with the election for which it filed the affidavit, the committee shall file all scheduled reports on the dates specified in Subsection (a) of this Section. If the contributions were received or expenditures made after any scheduled reporting dates, the committee is liable for all of the penalties for the late-filing of each of the required reports.

(iv) The Board shall establish by regulations the form of the affidavit to be filed under this paragraph.

(d) The chairmen and the treasurers of all other committees shall file the report or statement of contributions and expenditures, as prescribed in accordance with Section 12-9 of this Article at each of the times and for the respective periods

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specified in Subsection (a) of this Section. Each report, filed in accordance with paragraphs (1) and (2) below, shall be filed in duplicate. This report or statement shall be filed with:

- (1) The Board at which a candidate supported or opposed by a committee has filed his certificate of candidacy; and
- (2) The Board which the committee has promoted the success or defeat of a local principle or local proposition submitted to a vote at an election.

(e) Any report shall be considered timely if it is mailed on or before the filing deadline, regardless of when it is actually received, if the United States Postal Service has provided verification of that fact by affixing a mark so indicating on either the envelope or any receipt therefor. Unless a report is mailed, the Board shall provide a receipt for each report received.

(f) The provisions of this Section shall apply to all committees and treasurers for candidates for public office located outside of the geographic boundaries of the Town with respect to all expenditures of funds within the Town of North Beach.

(g) For purposes of this Section, the failure to provide all of the information required by the forms prescribed in accordance with Section 12-9 to the extent applicable is a failure to file.

(h) Within ten (10) days after the deadline for the filing of any report which is required to be filed with the Board, the Board shall compile a list of every candidate or committee which failed to file the report and shall issue a notice to the candidate, treasurer, or chairman, as the case may be, in accordance with Section 12-11(c) of this Article.

### Section 12-10. Forms for report of contributions and expenditures and schedule of receipts and disbursements; statements by candidates.

(a) The forms for the "Report or Statement of Campaign and Election Contributions and Expenditures" and the "Schedule of Receipts and Disbursements" shall be prescribed by the State Administrative Board of Election Laws.

(b) A candidate or candidates for election or elected to a public office of the Town shall file a copy of each statement required by the Town election laws or regulations with the Town's Board of Supervisors of Elections. Additional campaign report filings by the candidate are not required.

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### Section 12-11. Requirements of election reports and statements.

(a) **Payment of late filing fee.** There is a late filing fee for each report or statement of expenditures and contributions which is not filed within the time prescribed in Section 12-9. The fee is \$10 for each day or part of a day, excluding Saturdays, Sundays, and holidays that a report is overdue. An additional fee of \$10 is due for each of the first six days, excluding Saturdays, Sundays, and holidays that a preelection report is overdue pursuant to Subsections 12-9(a)(1) and (2), 12-9(c) and 12-9(d). The maximum fee payable with respect to any single report is \$250. A Board or its officer shall receive an overdue report or statement even if any late filing fee due has not been paid, but the report or statement shall not be considered officially filed until all fees have been paid. Upon the receipt by the Board of an overdue report or statement, no further late filing fees shall be incurred, notwithstanding the fact that the report or statement is not considered officially filed. The late filing fee is the joint and several personal liability of the candidate and treasurer as to the report of a candidate or of the chairman and treasurer as to the report of a committee. A late filing fee may not be paid, directly or indirectly, from contributions to the candidate or committee and, when paid, may not be treated as a contribution or an expenditure for purposes of this Article.

(b) **Prerequisites to becoming candidate or treasurer.** A person may not become a candidate for public office in any election in this Town, a certificate of candidacy may not be accepted on his behalf, and he may not become a treasurer for a candidate or committee unless: (1) the person has filed or had filed on his behalf all reports or statements required by Section 12-9 of the Article and Subsection (d) of this Section to be filed by him, as a candidate, chairman, or treasurer, during the five calendar years preceding the election in which the person seeks to become a candidate or treasurer; and (2) any late filing fees due in connection with such reports and statements have been paid. (This Subsection shall not be applicable to any persons filing a certificate of candidacy, becoming a candidate for public office in any election, or becoming a treasurer for a candidate or committee until such time as said candidate or treasurer shall file for candidacy or treasurer for the general election for the Town in the year 1990.)

(c) **Notice when report or statement is overdue.** Whenever it learns that a required report or statement is more than thirty days overdue, the Board of Supervisors of Elections of the Town shall issue a notice to the candidate and treasurer, if the report is the statement of a candidate, or to the chairman and treasurer, if the report is that of a committee, to show cause why the appropriate State's Attorney should not be requested to prosecute them as provided in Section 12-19 for violation of the provisions of this Subtitle, unless the failure to file is remedied and late filing fees paid within thirty days of service of the notice. Any candidate, chairman, or treasurer who fails

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to file the report or statement and pay the late filing fee due within thirty days after service of the show cause notice is guilty of a misdemeanor and subject to the penalties prescribed in Section 12-19 of this Article. Any such prosecution must be commenced within three years of the date on which the report or statement was originally due.

(d) **Failure to provide information called for.** For the purposes of this Section, the failure to provide all of the information called for on the forms prescribed pursuant to Section 12-19 to the extent applicable is a failure to file if the Board has notified the candidate and treasurer, or chairman and treasurer, in writing of the particular deficiencies and a properly corrected report has not been filed within thirty days of service of such notice. After the thirtieth day and in the absence of a filed corrected report, daily late filing fees are thereafter payable and all sanctions provided for herein and in Section 12-19 shall be fully applicable without the necessity of further notice to the candidate, chairman, or treasurer under this Subsection or Subsection (c).

(e) **Successful candidates.** A person may not be deemed elected to any public office under the laws of this Town or enter upon the duties of the office or receive any salary or emoluments therefrom until all of the reports and statements of contributions and expenditures required to be filed by the person pursuant to 12-9(a) of this Article and Subsection (d) of this Section and due before the person may take office have been filed. A candidate may not be sworn in until the Board certifies that all the reports and statements required by Subsection 12-9(a) of this Article and Subsection (d) of this Section have been filed. An official of the Town may not issue a commission or administer an oath of office to a candidate until that official has received this certification from the Board.

(f) **Withholding salary payments.** If any person elected to public office has been notified pursuant to Subsection (c) or (d) and has failed to file a report or statement required by Subsection 12-9(a) of this Article or Subsection (d) of this Section in the time required or failed to pay any late filing fee due, the Board shall cause an investigation to be undertaken and shall notify the elected official and afford him the opportunity to be heard. If the Board determines after hearing that a report or statement required by Subsection 12-9(a) of this Article or Subsection (d) of this Section was not timely filed, that the official was notified pursuant to Subsections (c) or (d), and that failure to file has not been corrected and late filing fees have not been paid, then it shall direct the appropriate financial officers to withhold the salary of the elected official until the report or statement is filed and all late fees paid, and to withhold from future salary payments a sum or sums which equal any amount previously paid to the elected official for a period during which his report or statement was in default.

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(g) Distribution of late filing fees. All late filing fees paid shall be treated as a special fund and shall be paid and distributed as follows: Fees pertaining to reports or statements required to be filed with the Board shall be paid to the Board which shall, in turn, pay over all amounts received to the Treasurer of the Town.

(h) Section mandatory; waiver of late filing fee. The provisions of this Section, and the provisions of Section 12-9 with respect to the filing of reports or statements are mandatory and not directory. However, no sanctions may be imposed for failure to file a report or statement or to pay a late filing fee if the failure is found by a court of competent jurisdiction to be for just cause.

### Section 12-12. Preservation of reports, statements, and accounts; inspection; certified copies.

Every officer or board shall receive, file, and preserve all reports, statements, and accounts relating to campaign contributions and expenditures which are required to be filed by this Article. These reports, statements, and accounts shall be kept as part of the records of the officer or Board for a period not to exceed five years or for at least one year beyond the length of the term of the public office for which every candidate to whom these reports, statements, or accounts apply has offered himself for nomination or election regardless if the candidate is successful, unsuccessful, or resigns, or for a longer period if ordered by a court of competent jurisdiction. These reports, statements, and accounts shall be subject and open to inspection by any citizen of this 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 transferred to the State Archives. Before transferring any reports, statements, or accounts to the State Archives, the officer or Board with whom they were filed shall make a permanent record of all election reports required to have been filed by Section 12-9 but which have not been filed. The permanent record shall include the name of the candidate or the committee, the treasurer, an identification of the missing report, and, if a final report, a notation of the amount of any outstanding balance, bills, or deficits as shown on the last report filed. The officer or Board shall file a copy of this permanent record with the Mayor and Council and when applicable with the State Archives. Copies of these reports, statements, and accounts certified by the principal administrative officer in whose office they are kept under the seal of his office shall be evidence in any court to the same extent as the original report, statement, or account would be if produced and proved.

### Section 12-13. Perjury.

Any wilfully false, fraudulent, or misleading statement or entry made by any candidate for office, treasurer, or subtreasurer, or by any member or officer of any political

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committee, in any statement or account under oath required by this Article, shall constitute the crime of perjury and be punishable as such according to the laws of this State.

### Section 12-14. Offenses constituting prohibited practices.

(a) **Enumerated.** The following persons shall be guilty of prohibited practices and shall be punished in accordance with the provisions of this Section:

(1) **Offering bribe, etc.** Every person who shall, directly or indirectly, by himself 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 at any election.

(2) **Accepting or soliciting bribe, etc.** Every person who shall, directly or indirectly, receive, accept, request, or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever 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 at any election.

(3) **Acting on bribe, etc.** Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person shall vote or refrain from voting for or against any person, or for or against any measure at any such election.

(4) **Making contribution other than to treasurer or subtreasurer.** Every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing to defray, or towards defraying the costs or expenses of any campaign or election, to any person, committee, company, organization, or association, other than to a treasurer or a subtreasurer, but this Section shall not apply to dues regularly paid for membership in any political club if all money expended by such club or in connection with the costs or expenses of any campaign or election shall be paid out by it only through a treasurer or subtreasurer as provided in this Article, or for volunteered time or personal vehicles or personal advertising or costs and expenses incident to the expression of personal views in accordance with the provisions of Subsection 12-8(a) herein.

(5) **Political contributions in false name.** Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a

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treasurer or subtreasurer, or candidate, in any other name than his own, and every treasurer or subtreasurer or candidate who shall knowingly receive a payment or promise of payment and enter the same or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made.

(6) Coercing employees. Every person who, being an employer, pays his employees the salary or wages due in "pay envelopes" upon which there is written or printed or in which there is enclosed any political motto, device, or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety days of an election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease in whole or in part, his establishment be closed up or the wages of his employees reduced, or other threats, expressed or implied, intended, or calculated to influence the political opinions or actions of his employees.

(7) Campaign literature. Every person who publishes or distributes or causes to be published or distributed any pamphlet, circular, card, sample ballot, dodger, poster, advertisement, or any printed, multigraphed, photographed, typewritten, or written matter or statement or any matter or statement which may be copied by any device or method now known for printing or copying or which may hereafter be used for making copies or printed or written matter in any form whatever for publication or distribution, relating to or concerning any candidate, including a write-in candidate, or prospective candidate for public office or for the acceptance or defeat of any proposition unless such pamphlet, circular, card, sample ballot, dodger, poster, advertisement, or other form of publication herein described clearly indicates the name of the candidate or committee responsible for the literature and contains, but set apart therefrom, an authority line which shall include the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same, except that if the person, treasurer, or campaign manager has furnished his address to the appropriate Board, the literature need not contain an address.

(8) Contribution or expenditure in violation of Section 12-5. Every person who, being a candidate, makes any payment, contribution, expenditure, or promotes or incurs any liability to pay, contribute, or expend from his own personal financial resources any money or thing in value in a manner not authorized by Section 12-5 of this Article.

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(b) **Penalties.** Every person who shall be guilty of any prohibited practices described in this Section shall be fined not more than one thousand dollars (\$1,000) or be imprisoned for not more than one (1) year or both and shall be ineligible for any public office for the period of four years from and after the time of the commission of such offense.

(c) **Prosecution; immunity of witnesses.** It shall be the duty of the State's attorney of each county of this State to prosecute by the regular course of criminal procedure any person whom he may believe to be guilty of having wilfully violated any of the provisions of this Section within the city or county for which said State's attorney may be acting as such. In any criminal prosecution under this Subtitle or for violation of any of the provisions thereof, no witness, except the person who is accused and on trial, shall be excused from answering any question or producing any book, paper, or other thing on the ground or claim that his answer or the thing produced or to be produced, by him may tend to incriminate or degrade him or render him liable to a penalty, provided that any person answering such a question or so producing a thing shall be exempt from prosecution, trial, and punishment for any offense of which that person may have been guilty or a participant therein and about which he gives such an answer or so produces a thing, except in a prosecution for perjury in so testifying.

### Section 12-15. Requirements concerning advertising; rates.

(a) It is unlawful for any person, candidate, campaign manager, treasurer, or subtreasurer, organization, political committee, including political clubs, to expend any money for printing, publication, or broadcasting of any political matter whatsoever unless such matter purports on its face to be a paid political advertisement and printed, published, or broadcast by the authority of the person, campaign manager, treasurer, or subtreasurer for the named candidate, party committee, or political committee, including political clubs.

(b) No person or corporation within the State publishing a newspaper or other periodical shall charge a candidate for State or local public office for political advertising a rate in excess of the regular local rate regularly charged by such person or corporation for commercial advertising except that when such political advertising is placed with the person or corporation through the medium of an advertising or press agency, then the regular national rate regularly charged by such person or corporation for commercial advertising may be charged.

(c) Violation of this Section is a misdemeanor and any person so convicted is subject to the penalties provided in Section 12-19 of this Article.

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### Section 12-16. Retention of samples of political matter published or distributed.

(a) Each candidate or treasurer or subtreasurer and every person who publishes or distributes or causes to be published or distributed any pamphlet, circular, card, sample ballot, dodger, poster, advertisement, buttons, matchbooks, nail files, balloons, or any other printed, multigraphed, photographed, typewritten, written matter, or statement or any matter or statement which may be copied by any device or method or which may hereafter be used for making copies of printed or written matter in any form whatever for publication or distribution, relating to or concerning any candidate or prospective candidate for public or party office or for the acceptance or defeat of any proposition shall maintain for a period of one year following each election a complete file of sample copies of all matter printed, published, or distributed by his authority.

(b) "Distributor" includes any person or persons, partnership, or corporation engaged in the distribution of circulars, pamphlets, and other advertisements by hand delivery or direct mail for profit but does not include salaried employees, agents, or volunteers of the person or persons, partnerships, or corporations.

(c) A person subject to the requirements of Subsection (a) is not required to maintain sample copies of billboards and placards.

### Section 12-17. Procedure on petition.

(a) **Petition.** At any time within thirty days after any general election and within fifteen days of any special election held under the laws of the Town, any defeated candidate at such election, or any ten duly qualified voters at such election may present to the Circuit Court of the County a petition setting forth under oath that prohibited practices, contrary to the provisions of a specified section or sections of this Article, were committed by the successful candidate or candidates or in the person of his or their agent or agents at or preliminary to such election within the Town or within the County in which said petition was filed, naming the successful candidate or candidates as defendants and praying that the fact alleged maybe inquired into.

(b) **Notice and answer.** The Court, upon the giving by the petitioners of such security for costs as the Court shall deem reasonable and upon such petition and the affidavit or affidavits filed therewith, shall promptly order such reasonable notice of such petition to be given to the defendant or defendants; and require him or them, within as short a time as may be reasonable, to answer, show cause, or otherwise defend as the Court may deem just and reasonable.

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(c) Trial. Such petition shall be tried without a jury unless any of the parties thereto shall elect to have the same tried by a jury. The case shall be tried not later than fifteen days after such petition has been filed if possible, and shall be given priority over other Court business; and when a jury trial is demanded by any of the parties to such petition, the jury for said term shall try it; and if the jury for said term shall have been dismissed, the Court shall recall said jury for the purpose of trying said case. In every case in which a jury trial shall be demanded, the judge shall frame and submit to the jury for its decision and verdict all appropriate and necessary issues of fact presented by the pleadings in such case. The Court shall bring said cause to determination and judgment as speedily as a just regard for the rights of the parties concerned may permit and shall expeditiously inquire into, or, when a jury is demanded, cause the jury to inquire into all the facts and circumstances and into such violations of or failure to comply with the provisions of this Article, as may be alleged in any such petition.

(d) Judge to file findings with Board of Supervisors of Elections; duty of Board. The judge shall file his findings, or, in a case where a jury shall have been demanded, the finding or verdict of such jury as to whether or not the successful candidate or his agent or agents acting for or on behalf of such candidate engaged in prohibited practices with the Board of Supervisors of Elections together with the transcript of the evidence.

(e) Void elections. In case the decision or finding filed with the Board of Supervisors of Elections under the provisions of Subsection (d) above shall be that any successful candidate so petitioned against in person, or in the person of his agent or agents acting for or in his behalf, engaged in prohibited practices, such election shall be void except as hereinafter provided; and in case of such void election, the Board of Supervisors of Elections shall, within five days after the receipt of such decision, issue their proclamation declaring such election void, and the vacancy in the office to have been filled by said election shall be filled in the same manner as would be required by law in case said vacancy had arisen from the death of the successful candidate after his election.

(f) Effect of violation upon candidate. If any candidate shall have been so found or decided to have engaged in any prohibited practice, he shall be ineligible to election or appointment to any public office or employment for the period of four years from the date of said election. A finding or decision that a successful candidate engaged in prohibited practices only in the person of his agent without the knowledge or consent of the candidate, and that no prohibited practice was committed without his sanction or connivance, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor.

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### Section 12-18. Witnesses and costs in Court proceeding.

The Courts in which a proceeding under Section 12-17 of this Article shall be filed shall have authority to tax the costs as in equity cases, and also to subpoena witnesses and require them to testify as in other civil cases, and to compel by subpoena duces tecum the production for examination of any books or papers of any kind, or of any other thing which may be required or desirable in the conduct of such inquiry. In any proceeding held under the provisions of Section 12-17, no witness shall be excused from answering any question or producing any book, paper, or other thing on the ground or claim that his answer or the thing produced or to be produced by him may tend to incriminate or degrade him, or render him liable to a penalty; but his answer or the thing produced by him shall not be used in any proceeding against him except in a prosecution for perjury in so testifying.

### Section 12-19. Penalty for violations.

Any person who violates any of the provisions of this Subtitle is guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars (\$1,000) or be imprisoned for not more than one (1) year or both, in the discretion of the Court. If a different penalty is specifically prescribed for violation of any section in this Subtitle and expressly set forth therein, the specific penalty applies and the penalty set forth in this Section does not apply.

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### Absentee Voting

#### Section 13-1. Who may vote.

(a) Any member, substitute member, or employee of the Board, including any judge appointed under Section 2-7 of this Article who, as a condition of his appointment or employment on any election day, is required to be absent from the election district, ward, or precinct in which he is registered to vote in a County, State, or National election who chooses to vote shall cast his vote by an absentee ballot provided by the Board.

(b) Any qualified voter who may be absent for any reason from the Town where he is registered to vote on any election day and any qualified person as defined in Section 13-2 of this Article may vote as an absentee voter under this Subtitle.

#### Section 13-2. Voting by ill and disabled persons; emergency absentee ballots.

(a) Application and medical certificate; procedure for voting. Any qualified voter whose physical disability or confinement in or restriction to an institution prevents or will prevent him from being present and personally voting at the polls on any election day shall also be entitled to vote as an absentee voter under this Subtitle. Such voter shall make application for an absentee ballot as provided in Section 13-4 of this Article. The application shall be filed in the office of the Board of Supervisors of Elections not later than the Tuesday preceding any election. Upon receipt of the application, the Board shall mail to the voter entitled thereto an absentee ballot. In all other respects, absentee voting as provided for in this Section shall be similar to and controlled by the applicable procedure provided by law for absentee voting.

##### (a-1) Emergency absentee ballot.

(1) After the Tuesday preceding an election and on the day of the election prior to the time the polls close, any person registered and otherwise qualified to vote may apply at the office of the Board of Supervisors of Elections for an emergency absentee ballot if the person:

(i) Is within the provisions of Section 13-1(a) of this Article;

(ii) Is unable to be present at the polls as a result of illness or accident occurring after the time for making application for an absentee ballot;

(iii) Is unable to be present at the polls as a result of illness or accident occurring after the time for making application for an absentee ballot;

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(iv) Is required to be absent on the day of an election from the Town where the person is registered to vote for any reason of which the person becomes aware after the time for making application for an absentee ballot.

(2) The application shall be made under penalty of perjury but without formal oath, setting forth the reason why the voter is unable to be present at the polls on the day of the election.

(3) Upon receipt of the application, the Board, if satisfied that the person cannot in fact be present at the polling place on the day of the election, shall issue to the applicant or his duly authorized agent an absentee ballot which shall be marked by the voter, placed in a sealed envelope, and return to the Board.

(4) If the applicant does not apply in person, the application shall designate a voter registered in the Town as agent for the purpose of delivering the absentee ballot to the voter, and the agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, was marked by the voter in the agent's presence, was placed in a sealed envelope in the agent's presence, and returned, under seal, to the Board by the agent.

(5) Any emergency absentee ballot received by the Board shall be considered timely if received in accordance with Section 13-9.

(b) **Assistance in marking ballot, etc.** Any registered voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union. Any person rendering assistance pursuant to this Subsection shall execute a certification to be included in the instructions prescribed by 13-8 of this Article.

### Section 13-3. Elections in which absentee voters may vote.

This Subtitle applies to elections for all candidates, amendments, and other questions at any election held in any year.

### Section 13-4. Applications for absentee ballots.

Except for persons described in Subsections 13-1(a) and 13-2(a-1), a qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Board for an absentee ballot, which application must be received not later than the Tuesday preceding the election. The application shall contain an affidavit, which need not be under oath but which shall set forth such information, under penalty of perjury, as may be required by the Board.

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Section 13-5. Application forms.

(a) Printed forms of application for absentee ballots in accordance with the requirements of this Subtitle shall be provided by the Board and shall be available to any qualified voter upon request.

(b) The State Administrative Board of Election Laws shall prescribe all forms of applications for absentee ballots including "Application for Absentee Registration and Ballot," "Application for Absentee Ballot by Registered Voter," "Application for Emergency Absentee Ballot by Registered Voter," and related affidavits and statements.

Section 13-6. Determination of absentee voters' applications; delivery of ballots.

(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 at the election as an absentee voter.

(b) **Delivery of ballot.** If the applicant is a qualified voter as stated in his affidavit, the Board shall, as soon as practicable thereafter, deliver to him at the office of the Board, or mail to him at an address designated by him, an absentee voter's ballot and an envelope therefor. ✓  
If the applicant is one with respect to whom free postage privileges are provided for by the Federal Voting Assistance Act of 1955 or 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 Board, and postage for the return of ballots shall be paid by the voters. ✓  
If the ballots are to be sent by mail, the determinations required in Subsection (a) of this Section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All investigations shall be concluded and any determinations made as to all absentee ballot applications not later than five days before election day.

(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 and time received, the names and residences of the applicants, and such record shall be available for examination by any registered voter on written application to the Board.

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(2) After approval of an application for an absentee ballot and the mailing to the applicant of an absentee ballot, then, unless an electronically reproduced precinct register is used, the voter's 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 recording the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. If an electronically reproduced precinct register is used, a distinctive line shall be drawn through the voter's name on the list and marked "Absentee Voter." No such voter shall vote or be allowed to vote in person at any polling place. ✓

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

### Section 13-7. Ballots for absentee voters.

(a) Printing of ballots, envelopes, and instructions; use of punchcard ballots. In sufficient time prior to any election, the Board shall have printed an adequate number of absentee ballots, the three kinds of envelopes described in this Section, and the instructions to absentee voters as set out in Section 13-8 of this Article.

(1) Absentee ballots in the discretion of the Board may be in the form either of paper ballots or of one or more punchcards kept together in a covering folder, provided that all absentee ballots shall be in the same form. The form and arrangement of all absentee ballots shall be as prescribed by the State Administrative Board of Election Laws.

(2) Notwithstanding any provision in this Subsection, before any Board may use punchcard ballots, the particular punchcard ballot system, including the form of ballot arrangement, the nature of the punchcard used, the method of marking ballots, and any sorting or counting devices must be approved for use in the Town by the Board of Supervisors of Elections. Before approving a punchcard ballot system for use in the Town, the Board of Supervisors of Elections shall be satisfied that the system is accurate, efficient, free from the likelihood of mechanical breakdowns, and understandable by voters, that it is subject to recount by some other system, and that it complies with the laws of Maryland.

(b) Form of ballots. The ballots shall contain the words "Absentee Ballot" or "Official Ballot" printed in large letters in clear space at the top of each paper ballot or of each punchcard and covering folder as the case may be. If paper

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ballots are used, 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. If your vote for a candidate or question is marked in such a manner that your intent is not clearly demonstrated, your vote for that office or question shall not be counted. In order to protect the secrecy of your vote, do not put your name, initials, or any identifying mark on your official ballot. If it is determined that a ballot is intentionally marked with an identifying mark, the entire ballot will not be counted." If punchcard ballots are used, underneath these words on each punchcard shall be printed the following warning: "Mark ballot by punching out the circled cross after each candidate or question indicating your choice. Do not repair or make identifying mark." If both sides of one or more punchcards are used to accommodate the ballot, the words "vote on both sides" and the other wording required by this Subsection shall appear on both sides of each punchcard. Where punchcards are used, these instructions may appear on stubs attached to the cards which may be removed after the absentee voter has voted. The designation of the election district and the precinct shall be left blank on paper ballots on the back and outside of said ballots and on punchcard ballots, and such designation may be filled in by the appropriate Board before being sent to any registered absentee voter.

(c) **Envelopes.** The ~~State~~ Administrative Board of Election Laws shall prescribe the size, form, and printed content of the absentee ballot material envelopes providing for a "covering envelope" and a "return envelope."

### Section 13-8. Instructions to voters.

The printed instructions for the casting of absentee ballots shall be prescribed by the Board, and it shall prescribe separate instructions for paper ballots or punchcard ballots.

### Section 13-9. Canvassing of ballots.

(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) **Duties of Boards.** At any time after 4 p.m. on the Wednesday following election day and not later than the canvass of the votes cast at the regular voting places in the Town at any election, the Board shall meet at the usual offices of the Board and shall proceed to count, certify, and canvass the absentee ballots contained in the ballot envelopes. The board of canvassers shall keep the ballots safe from tampering until the canvass is completed.

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**(c) Timely receipt of ballot.**

(1) A ballot shall be considered as received timely provided:

(i) It has been received by the Board prior to the closing of the polls on election day; or

(ii) 1. It was mailed before election day;

2. The United States Postal Service, or postal service of any other country, has provided verification of the fact by affixing a mark so indicating on the covering envelope; and

3. The Board receives the ballot from the United States Postal Service not later than 4 p.m. on the Wednesday following election day.

(2) Any ballot received after 4 p.m. on the Wednesday following election day may not be counted.

**(d) Procedure generally.** A ballot may not be rejected by the Board except by the unanimous vote of the entire Board. If the intent of the voter is not clearly demonstrated, only the vote for that office or question shall be rejected. If the Board of Canvassers determines a ballot is intentionally marked with an identifying mark, the entire ballot shall not be counted. All voters' applications, affidavits, certifications, ballot envelopes, and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained after the date of election at which they were cast for the time required for keeping of ballots cast at the regular voting places, unless prior to that time the Board is ordered by a court of competent jurisdiction to keep the same for any longer period. The Board may appoint such numbers of temporary judges as the Board may deem necessary to adequately and promptly carry out the provisions of this Section.

**(e) 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.

**(f) Ballot delivered to wrong Board.** If an absentee ballot envelope is delivered to the wrong Board, such Board shall immediately send said ballot envelope unopened, unmarked, and unchanged in any way to the proper Board.

**(g) Voter dying before election day.** Whenever any Board shall determine from proof or 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 Subtitle, has died before election day, said Board shall not count the ballot of the said deceased voter, but it shall be

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preserved by the Board for the time required as in Subsection 13-9(d), and may then be destroyed, unless prior to that time the Board is ordered by a court of competent jurisdiction to keep the same for any longer period. 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.

(h) **Placing ballot in ballot box and entry in registry; more than one 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 Subtitle in the Town elections and has not already voted therein on election day, they shall open the ballot envelope and remove the ballot therefrom, and the ballot shall be placed by the Board in a secure place to which the public has no access. 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 "A.B." to indicate the vote has been by absentee ballot. If there be more than one ballot in the ballot envelope, all shall be rejected except when two elections are held on the same day and a voter is voting in both elections and the voter returns both absentee ballots in the ballot envelope provided. Absentee ballots may be marked by any kind of pencil or ink. ?

(i) **More than one ballot received from same person.** If any Board receives from the same person prior to the deadline for receipt of absentee ballots more than one absentee ballot, it shall count, certify, and canvass only the absentee ballot contained in the ballot envelope on which the voter's oath was first executed, and if the oath on two or more of the ballot envelopes containing absentee ballots are dated the same or if both are undated, none of the ballots received from such person shall be counted.

### Section 13-10. Contests and appeals.

Contests concerning registration, voting, or the validity of any ballot under this Subtitle shall be decided by the Board. No registration shall be denied and no ballot 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 the County to review such decision or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Courts. Such appeals shall be taken by way of petition filed with the appropriate Court within five days from the date of the completion of the official canvass by any 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

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right of appeal to the Court of Special Appeals, provided such appeal shall be taken within forty-eight hours from the entry of the decision of the lower court complained of, and all 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 Special 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 Special Appeals within five (5) days from the taking of the appeal.

### Section 13-11. Penalties.

Any person who shall violate any of the provisions of this Subtitle shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or be sentenced to imprisonment for not more than two (2) years or both, in the discretion of the Court.

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Political Activities of Town Employees

Section 14-1. Participation in campaigns and free expression of opinions not prohibited; certain activities prohibited.

Participation in politics or political campaigns and the free expression of political opinions by employees of this Town, public authority, or body political shall not be prohibited, and each employee shall retain all rights and obligations of citizenship provided in the Constitution and laws of the State of Maryland, and in the Constitution and laws of the United States of America; however, no such employee shall:

(a) Engage in political activity while on the job during working hours;

(b) Advocate the overthrow of the government by unconstitutional and violent means; or

(c) Be obligated to contribute or render political service.

Section 14-2. Conflicting laws; exclusiveness of provisions.

All statutes, laws, and ordinances within this Town, both general and local, which are in conflict with these Sections are repealed, and the limitations set forth in these Sections shall be the only restrictions on the political activities of such employees, excepting, however, the provisions of Section 2-6 of this Article.

*Town charter has precedence  
over all documents.*

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Oath of Office

Section 15-1. Oath of office.

Every person elected or appointed to any office of profit or trust, under the State Constitution or under this Town's laws made pursuant thereto, shall before he enters upon the duties of such office, take and subscribe the following oath or affirmation:

I, \_\_\_\_\_, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the Town of North Beach, and support the laws thereof; and I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_, according to the Laws of the Town of North Beach.

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