

Ordinance No. 815-23

An Ordinance Amending Bel Air Town Code Chapter 37 Elections

Section § 37-1 Definitions and Section § 37-6 General Elections Subsection C. Filing of Certificate of Candidacy and Adding Section § 37-26 Campaign Finance Reporting and Section § 37-27 Limitation and Use of Campaign Contributions

WHEREAS, the Board of Town Commissioners desire to set a start time indicating when a citizen may file a certificate of candidacy prior to the deadline of forty-five days before the scheduled election; and

WHEREAS, the Board of Town Commissioners desire to adopt campaign finance reporting and campaign contribution limitations and usage regulations for candidates for Commissioner of the Town of Bel Air to protect the integrity of the Town of Bel Air’s municipal election by requiring transparency and reporting on the disposition of campaign contributions and expenditures; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that the Town of Bel Air Town Code, Chapter 37 Elections, shall be amended by Ordinance No. 815-23, as follows:

§ 37-1 Definitions and word usage

- A. Words and phrases defined. As used in this chapter, the following terms shall have the meanings indicated:

CAMPAIGN FINANCE REPORT

A report accounting of contributions received, transfers, expenditures made, outstanding obligations, and loans.

CONTRIBUTION

A contribution is a gift or transfer of money or anything of value given to a candidate to promote or assist in promoting the success or defeat of a candidate.

ELECTORAL PURPOSE

An action that promotes or enhances the success or defeat of a candidate in an election and would not have occurred but for the existence of the candidacy. It includes actions that increase the visibility or viability of a candidate, such as: appearing on campaign material of a candidate; or attending charitable or political events.

EXPENDITURE

An expenditure is defined as a gift, transfer, disbursement, or promise of money or valuable thing by or on behalf of a person or entity to promote or assist in promoting the success or defeat of a candidate at an election; or, to pay the for the costs associated with contesting an election.

§ 37-6 General Elections

C. Filing of certificate of candidacy.

(1) Candidates must file in person and complete a written certificate of candidacy with the Town Clerk of their intention to run for the office of Commissioner at least ~~30~~ **forty-five (45)** days before the scheduled election **and no earlier than one hundred and thirty-five (135) days before the scheduled election.** ~~Candidates must file a certificate of candidacy at least 45 days before the scheduled election, beginning with the 2021 Town election and every election thereafter.~~ The hours for filing on the final file date are 9:00 a.m. to 7:00 p.m. If the final filing date falls on a Saturday, Sunday or holiday, the closest regular business day shall be recognized as the final candidate filing date.

§ 37-26 Campaign Finance Reporting

A. Candidates for the office of Commissioner shall maintain a record of all campaign finance contributions and expenditures on a form provided by the Town Clerk. The candidate shall file a copy with the Town Clerk thirty (30) days and seven (7) days before the scheduled election and seven (7) days after the scheduled election. The candidate shall file a final

report with the Town Clerk, no later than January 31 following a scheduled election, providing a full account of surplus campaign funds.

- B. Any candidate elected to office, who fails to file any report required by the section, at least forty-eight hours before the first regularly scheduled Town meeting after the election in the year of their election, shall not be administered the oath of office or be permitted to serve or receive any salary for that office until such report has been filed with the Town Clerk.**
- C. An official of the State or any of its political subdivisions may not administer an oath of office to an individual until that official has received a certification from the Town Clerk declaring the winning candidate is in compliance.**

§ 37-27 Limitation and Use of Campaign Contributions

- A. A limitation of no more than one thousand dollars (\$1,000) in contributions, including cash, gifts or in-kind services may be contributed by one person or organization to each individual candidate. The contributor and any amount must be reported on the candidate's financial report.**
- B. Candidates may self-fund their campaign without limitation. Self-funded contributions and expenditures must be reported as such on the candidate's financial report.**
- C. Anonymous contributions are prohibited. Accordingly, the campaign may not accept money or things of value unless the identity of the contributor is known. If an anonymous contribution is received, it must be paid over to the Town of Bel Air to be used for any lawful purpose.**
- D. Pass-Through Contributions are prohibited. A contribution may not be accepted in the name of any other person or entity but the name of the person making the contribution. A person may not use another person as a conduit to conceal the source of the contribution.**
- E. Expenditures must have an electoral purpose; that is, they must enhance the candidate's election chances, such that they would not have been incurred if there had been no candidacy. Expenditures may not be for the personal use of the candidate or any other individual. Expenditures must be supported by receipts, statements, bills, or vouchers, which are required to be kept with the campaign finance records. Examples of permissible expenditures include: printing of signs, printing of campaign materials, mailing of campaign materials, costs associated with production of electronic campaign materials,**

costs associated with distributing electronic campaign materials, creation and maintenance of campaign website and/or social media, meals for campaign workers, renting of tents and/or other supplies for rallies, and for election day poll-watching locations, costs associated with production and placing print media advertisements, costs associated with outdoor advertising, costs of garments for campaign workers, cost of attending functions where exposure will aid in the candidate’s or committee’s election process.

BE IT FURTHER ORDAINED that enforcement of Sections § 37-26 and § 37-27 of this Ordinance shall be postponed until the Town of Bel Air Municipal Election corresponding with Tuesday, November 4, 2025, for two seats on the Bel Air Board of Town Commissioners.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION: August 21, 2023
PUBLIC HEARING: September 5, 2023
ENACTMENT: TBD
EFFECTIVE: TBD
AYES: TBD
NAYS: TBD
ABSENT: TBD

Kevin M. Bianca, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk