

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 34, “ELECTIONS” ARTICLE III, “FAIR ELECTION
PRACTICES”, §34-14, “CONTRIBUTIONS AND EXPENDITURES; PROHIBITED
PRACTICES” TO PROHIBIT ONLY DIRECT CONTRIBUTIONS OR EXPENDITURES
BY A BUSINESS ENTITY TO A CANDIDATE’S CAMPAIGN, AND §34-17
“POLITICAL MATTER PUBLISHED OR DISTRIBUTED”, TO
CLARIFY THAT ELECTRONIC MEDIA, TELEPHONE, AND OTHER FORMS OF
COMMUNICATION ARE POLITICAL MATTER INCLUDED WITHIN THE
REQUIREMENTS OF §34-17 AND AMENDING CHAPTER 141, “NUISANCES”,
§141-7, ‘SIGNS AND ADVERTISEMENTS” TO PLACE A TIME LIMIT ON POSTING
OF POLITICAL SIGNS IN THE PUBLIC STREETS OR THOROUGHFARES AND TO
CLARIFY THAT PERMISSION OF THE CITY IS REQUIRED FOR PLACEMENT OF
SIGNS.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to provide for elections for municipal purposes; and

WHEREAS, recent developments in the law require amendment of §34-14, “Contributions and expenditures; prohibited practices” to prohibit only direct contributions by a business entity to a candidate’s campaign, which would allow business entities independently to promote or oppose candidates via election advertisements and other electioneering communications.

WHEREAS, §34-17 of the City Code currently requires that all political matter published or distributed must be attributed to the person responsible and contain a statement that the matter is a paid political advertisement and by whose authority it is produced; and

WHEREAS, electronic media, telephone and other forms of communication, such as social networks, blogs and robo-calls, are now routinely used as part of the election process; and

CAPS
 [Brackets]
 Asterisks * * *

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

WHEREAS, the Mayor and Council wish to clarify that electronic media, telephone, and other forms of communication are included within the requirements of §34-17; and

WHEREAS, the Mayor and Council have determined that .

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 34, “Elections” Article III Fair Election Practices”, §34-14, “Contributions and expenditures; prohibited practices” be and is hereby repealed, reenacted and amended to read as follows:

§34-14 Contributions and expenditures; prohibited practices

A. through B. * * * *

C. It shall be a violation of this chapter for any business entity to~~[-, directly or indirectly,]~~ make DIRECT contributions or expenditures to~~[-, or for the benefit of,]~~ any candidate's campaign for election to the public office. A candidate who receives a DIRECT contribution from any business entity shall not use the contribution for any purpose whatsoever but shall return it immediately to the donor. This subsection does not prohibit ~~[the installation of a political sign on property owned or occupied by a business entity if the sign is purchased, erected and maintained by a candidate or his political committee]~~ A BUSINESS ENTITY FROM INDEPENDENTLY PROMOTING OR OPPOSING CANDIDATES BY MEANS OF ELECTION ADVERTISEMENTS OR OTHER PUBLISHED OR DISTRIBUTED POLITICAL MATTER.

D. through H. * * * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park, that Chapter 34, “Elections” Article III, “Fair Election Practices”, §34-17 be and is hereby repealed, reenacted and amended to read as follows:

§34-17. Political matter published or distributed.

- A. No person, candidate or political committee shall print, publish, distribute or broadcast or cause to be printed, published, distributed or broadcast any political matter unless such political matter includes the name of the person responsible for the publication, distribution or broadcast of the same.
- B. No person, candidate or political committee shall expend any money for printing, publication or broadcasting of any political matter unless such matter states that it is a paid political advertisement and is printed, published or broadcast by the authority of such person, candidate, political committee or authorized representative for a candidate or political committee.
- C. THIS SECTION IS APPLICABLE TO ELECTRONIC MEDIA SUCH AS EMAIL, SOCIAL NETWORKS, BLOGS AND MICRO-BLOGS, EMAIL/MAIL SUBSCRIPTION LISTS, WEBSITES AND LIKE FORMS OF ELECTRONIC COMMUNICATION. IN THE EVENT POLITICAL MATTER IS DISTRIBUTED THROUGH AN ELECTRONIC MEDIA AND IT IS NOT FEASIBLE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION DUE TO SIZE OR OTHER RESTRICTIONS, THEN THE COMMUNICATION MUST ALLOW THE VIEWER TO CLICK ON THE COMMUNICATION TO ACCESS A HOME, LANDING PAGE OR OTHER SITE THAT DOES DISPLAY THE INFORMATION REQUIRED IN THIS SECTION.
- D. IN CONFORMANCE WITH 47 U.S.C §227(D)(3)(A), ALL ARTIFICIAL OR PRERECORDED VOICE SYSTEMS TRANSMITTING POLITICAL MATTER VIA TELEPHONE SHALL, AT THE BEGINNING OF THE MESSAGE, STATE CLEARLY THE IDENTITY OF THE INDIVIDUAL, CANDIDATE, POLITICAL COMMITTEE, BUSINESS OR OTHER ENTITY INITIATING THE CALL AND SHALL STATE CLEARLY DURING OR AFTER THE MESSAGE THE TELEPHONE NUMBER OR ADDRESS OF SUCH INDIVIDUAL, CANDIDATE, BUSINESS, POLITICAL COMMITTEE OR OTHER ENTITY.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park, that Chapter 141, “Nuisances”, §141-7 “Signs or advertisements” be and is hereby repealed, reenacted and amended to read as follows:

§141-7 Signs or advertisements.

It shall be unlawful for any person to post or allow to be posted in any manner on any public street or thoroughfare within the City limits any form of advertisement for any type of event or

campaign without notifying AND OBTAINING PERMISSION FROM the City Public Services Department. POLITICAL SIGNS OR OTHER POLITICAL MATTER MAY NOT BE POSTED MORE THEN 45 DAYS PRIOR TO AN ELECTION. Such material must be removed within [~~24~~] 48 hours after the event OR ELECTION.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park, that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:45 P.M. on the 10th day of May, 2011, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2011 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of April 2011.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2011.

EFFECTIVE the _____ day of _____, 2011.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney