

# **Bylaws of the Montgomery County Board of Elections**

**Adopted on  
September 16, 2019**

Section 3.2, Rules of Order (B), Participation, Subsection 2, was amended at the Board's November 18, 2013, Meeting and approved by the Maryland State Board of Elections in January 2014.

Section 2.2, (D), was added at the Board's March 16, 2015, Meeting and approved by the Maryland State Board of Elections in May 2015.

Bylaws approved by the newly appointed Montgomery County Board of Elections at the June 22, 2015, Board meeting.

Amendments to Sections 2.3 (D) and 3.1 (E) were approved by the Montgomery County Board of Elections at the November 16, 2015, Board meeting.

Bylaws approved in their current status by the newly appointed members of the Montgomery County Board of Elections at its September 16, 2019 Board meeting.

# BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

## TABLE OF CONTENTS

ARTICLE 1 – ADOPTION OF BYLAWS GENERALLY.....	3
Section 1.1 – Definitions.....	3
Section 1.2 – Purpose.....	3
Section 1.3 – Adoption and Amendment of Bylaws .....	3
ARTICLE 2 – ORGANIZATION OF THE BOARD .....	3
Section 2.1 – New Members.....	3
Section 2.2 – Officers.....	3
Section 2.3 – Board of Canvassers.....	4
ARTICLE 3 – MEETINGS.....	4
Section 3.1 – Time and Location .....	4
Section 3.2 – Rules of Order .....	5
Section 3.3 – Meeting Agenda and Minutes.....	6
ARTICLE 4 – RULES OF CONDUCT.....	7
Section 4.1 - Attendance.....	7
Section 4.2 – Political Activity.....	7
Section 4.3 – Ethics .....	8
Section 4.4 – Resignation and Vacancies .....	9
Section 4.5 – Level of Effort.....	9
Section 4.6 – Fiduciary Duty to the Board.....	9
Section 4.7 – Non-Disclosure/Confidentiality .....	9
ARTICLE 5 – ROLES AND RESPONSIBILITIES .....	9
Section 5.1 – The Board .....	9
Section 5.2 – The Election Director and Staff.....	10
Section 5.3 – Counsel to the Board.....	10
Section 5.4 – Personnel Management.....	10
ARTICLE 6 – MISCELLANEOUS .....	10
Section 6.1 – Membership in MAEO.....	10
Section 6.2 – Training and Continuing Education.....	10
Section 6.3 – Public Information Act.....	11
Section 6.4 – Litigation.....	11
Section 6.5 – Reimbursement for Travel and Expenses.....	11
SIGNATURES.....	11
APPENDIX 1.....	12

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

### **ARTICLE 1 – ADOPTION OF BYLAWS GENERALLY**

#### **Section 1.1 – Definitions**

- A. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- B. “Board” means the local board of elections for Montgomery County.
- C. “Member” includes a regular and substitute member of the Board unless a specific reference to a regular or substitute member is provided.
- D. “Board term” means the four-year term beginning the first Monday in June in the year immediately following a gubernatorial election.
- E. “Vacancy” means the position of a duly appointed member who was removed, died, or resigned from the Board.

#### **Section 1.2 – Purpose**

These bylaws, adopted by the members of the Montgomery County Board of Elections, provide the rules of governance for the Board during the conduct of all duties assigned under State and federal laws, regulations, and guidelines and policies of the State Board of Elections (SBE). Further, these bylaws set a standard of personal conduct for members of the Board, requiring them to conduct themselves in accordance with high ethical standards to assure the public that members act independently of partisan pressures and conflicting interests and make decisions that are not influenced by personal views regarding any political party.

#### **Section 1.3 – Adoption and Amendment of Bylaws**

- A. Bylaws Approval. Bylaws shall be reviewed and approved by a majority vote of the full Board (including substitute members) at the first meeting of each new Board term or as soon as practical thereafter.
- B. Effective. These bylaws are effective and binding on all members as evidenced by each member’s signature on this document.
- C. New Member. When a new member is appointed to fill a vacancy during a Board term, the new member must sign the bylaws.
- D. Amendments. To amend the bylaws:
  - 1. Each proposed amendment must be presented to the Board at a regularly scheduled meeting of the Board for the Board’s review, discussion, and any revisions.
  - 2. At the next regularly scheduled meeting of the Board, a motion to adopt the amendment, including any revisions made when the proposed amendment was initially presented, must be adopted by a majority vote of the full Board (including substitute members).
- E. Forward to SBE. A copy of the approved bylaws and any amendments shall be sent to SBE for review and approval.
- F. Effective date. Any amendment to the bylaws shall take effect on the date at which SBE approves the amended bylaws.

### **ARTICLE 2 – ORGANIZATION OF THE BOARD**

#### **Section 2.1 – New Members**

New members must be sworn in by the Clerk for the Circuit Court for Montgomery County or the Clerk’s duly appointed designee within 30 days of receiving the commission of appointment from the Governor.

#### **Section 2.2 – Officers**

- A. Election of Officers. The Board shall elect, by a majority vote, a regular member to serve as President, a regular member to serve as Vice President, and a regular member to serve as Secretary.
- B. Timing of Election. The election of officers shall occur within:

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

1. The first 20 days of a new Board term; or
  2. The first 30 days after the date on which an officer dies, resigns, is removed, or becomes ineligible, or at the next regularly scheduled Board meeting, whichever is sooner.
- C. Duties – President. The duties of the President include:
1. Presiding at meetings and setting agendas with the assistance of the Election Director;
  2. Along with the Election Director, serving as the Board's primary spokesperson for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries;
  3. Acting as the Board's primary point of contact for the Election Director; and
  4. Ensuring that all public business is conducted in compliance with the Open Meetings Act.
- D. Duties – Vice President. The Vice President shall:
1. Be of the same party as the President; and
  2. Perform the duties of the President if the President is unable to carry out the assigned duties until a new President is elected or the President is able to resume full duties.
- E. Duties – Secretary. The Secretary shall:
1. Shall not be the same party as the President; and
  2. Ensure that minutes are accurately compiled and transmitted to SBE.

### **Section 2.3 – Board of Canvassers**

- A. Membership. As required by § 11-301(a) of the Election Law Article, the members shall serve as the Board of Canvassers following each election.
- B. Applicability. These bylaws remain in effect while the members are serving as the Board of Canvassers.
- C. Officers. The Board shall elect, by a majority vote of the members, a President and a Secretary of the Board of Canvassers.
- D. Oath. The members and the Board's counsel shall take an oath, administered and recorded by the Clerk of the Circuit Court for Montgomery County or the Clerk's duly appointed designee, to canvass and declare the votes cast truthfully and to perform other duties required by law. The Clerk of the Circuit Court or his or her designee shall administer the oath:
1. Before the start of early voting if there is early voting; or
  2. By 5 pm on Election Day if there is no early voting.
- E. Requirements. In order to take action as a Board of Canvassers, there shall be:
1. A quorum, as defined in § 3.2A below; and
  2. A member of the minority party present.
- F. Rules. The Board shall follow at all canvassing sessions the rules of order established under § 3.2 below and rules for minutes established under § 3.3 below.
- G. Governing Authority. The Board shall conduct the canvass pursuant to State law, regulations, and instructions issued by SBE.

## **ARTICLE 3 – MEETINGS**

### **Section 3.1 – Time and Location**

- A. Regular Meetings. Unless circumstances dictate otherwise, the Board shall meet every month at 2:30 p.m. on the third Monday of the month.
- B. Location. Unless circumstances dictate otherwise, meetings will be held in the election office.
- C. Public Notice. Except as provided in § E below, public notice of regular meetings shall be given at least one week prior to the meeting.

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

- D. Cancellation of Regular Meeting. The President may cancel a regular meeting of the Board if he or she determines, after consultation with the Secretary, that there is no new business that needs to be shared with or acted upon by the Board.
1. Notice of cancellation for lack of new business or the inability of a quorum of members to attend shall be given at least one week prior to the meeting if those circumstances are known at that time.
  2. Notice of cancellation for lack of a quorum or circumstances arising during the week before the meeting shall be given as soon as practicable after the reason is known.
- E. Special Meetings. The President, after consultation with the Secretary, may call a special meeting. Except for meetings convened to address issuing that arise during an election, including early voting, Election Day, and canvassing, the Board shall not take any votes at a special meeting unless three days prior notice has been given to all members, staff and the public.

### **Section 3.2 – Rules of Order**

#### **A. Quorum**

1. Quorum for meetings when the Board is not constituted as the Board of Canvassers.
  - a. There shall be a quorum to hold a meeting.
  - b. A quorum of the Board shall consist of a majority of the full membership (including substitute members) and at least one member of each political party.
  - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
  - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.
2. Quorum for meetings when the Board is constituted as the Board of Canvassers.
  - a. There shall be a quorum to hold a meeting.
  - b. A quorum of the Board of Canvassers shall consist of a majority of the membership (including substitute members) and at least one member of each political party.
  - c. If there is a vacancy, the majority described in b. shall consist of a majority of members currently serving on the Board.
  - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.

#### **B. Participation in Meetings**

1. Any member, including substitute members, may make and second motions.
2. Any regular member can vote on motions.
3. If a regular member is absent, the substitute member of the same party shall:
  - a. Serve as the regular member for all or the part of the meeting when the regular member is absent; and
  - b. Except as limited by law, exercise the powers and duties of the absent regular member.
4. Public participation at a meeting, when feasible, shall be scheduled and pre-approved by the President. The President, at his or her discretion, may allow public participation even if the request was not scheduled and pre-approved.
5. Members may participate and vote in meetings by phone or video conferencing. Meetings may be held exclusively by phone or video conferencing when required by exigent circumstances.

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

### **C. Open Meetings Act Compliance**

1. The Board shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article.<sup>1</sup>
2. For the purposes of the Open Meetings Act:
  - a. There is a quorum when a majority of the members meet in person, by phone, or other means (including email) and discuss a matter that is not an administrative function.
  - b. A majority of the regular members constitute a quorum, regardless of their respective political affiliations.
3. At least one member (preferably two members) shall be trained in the Open Meetings Act<sup>2</sup>.
  - a. Any member who is trained on the Open Meetings Act shall provide the Election Director with a certificate of completion.
4. A Board cannot meet in closed session if none of the members has been trained on the Open Meetings Act.
5. In the absence of the trained member, a Board may not meet in closed session until the presiding officer has completed the Compliance Checklist (see footnote 1).
6. A quorum may not consider public business without giving reasonable advance notice to the public of an open meeting.

### **Section 3.3 – Meeting Agenda and Minutes**

- A. Agenda. Each regular Board meeting shall include, at a minimum, the following agenda items:
  1. Declaration of Quorum Present
  2. Approval of Prior Meeting Minutes
  3. Additions to the Agenda
  4. Election Director's Report
  5. Board Attorney's Report
  6. Old Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  7. New Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  8. Confirmation of Next Meeting
  9. Closed Session (if needed)
  10. Adjournment
- B. Additional Topics.
  1. Before the meeting, the President, at his or her discretion, may add additional topics.
  2. If the new topic is identified at least one day before the meeting, the agenda should be updated to reflect the new topic and re-posted.
- C. Duties of Election Director. The Election Director or the Director's designee shall:
  1. By 10:00a.m. at least three calendar days before each meeting (and, where policies affecting voting rights will be considered, at least 48 hours before the meeting), make the agenda and other meeting materials available to the Board and the public;
  2. At each meeting, provide a written report of the office's activities since the last meeting, including information on personnel changes, meetings attended, significant correspondence

---

<sup>1</sup> For information and guidance on the Open Meetings Act, see the Compliance Checklist and other resources on the open meetings page of the Attorney General's website. See [www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx](http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx).

<sup>2</sup> This training is available at [https://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_title.php](https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php).



## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office;

3. At each meeting, provide a verbal summary of the office's activities since the last meeting;
4. Except as provided in § D(2) below, prepare minutes for both open and closed meetings; and
5. Transmit to SBE approved meeting minutes within five days of approval.

### **D. Minutes.**

1. Minutes shall be prepared in accordance with SBE's Guidelines for Conducting Meetings and Writing Minutes<sup>3</sup>.
2. If the Election Director or staff does not attend a closed meeting, the Board attorney or one of the members shall prepare the minutes from the closed meeting.
3. Full minutes of open meetings and summaries of closed meetings shall be approved via email and ratified at the next Board meeting.
4. Full minutes of closed meetings shall be approved via email and ratified at the next Board meeting as long as ratification at an open meeting does not jeopardize the need to preserve the discussion of the closed meeting.
5. After approval, minutes of a closed meeting shall be stored in a sealed envelope in a secure location that only the Election Director can access.

## **ARTICLE 4 – RULES OF CONDUCT**

### **Section 4.1 - Attendance**

- A. **Minimum Attendance.** As provided under § 8-501 of the State Government Article, a member who fails to attend at least 50% of the meetings during any consecutive 12-month period shall be considered to have resigned.
- B. **Attendance Report.** Within 30 days of the conclusion of the 12-month period during which a member failed to attend at least 50% of the meeting, the President or, if the President failed to attend meetings, the other members shall forward to the Governor and the State Administrator:
  1. The name of the member considered to have resigned; and
  2. A statement describing the member's history of attendance during the period.

### **Section 4.2 – Political Activity**

- A. **Statutory Requirements.** Each member shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. **Additional Requirements.**
  1. A member shall place his or her public duties ahead of partisan, political considerations.
  2. A member shall not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
  3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board<sup>4</sup> and does not publicly indicate that he or she is a member of the Board.
  4. A member may make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided that the member discloses the contribution at the next public Board meeting of the date, amount and recipient of the contribution.

---

<sup>3</sup> This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."

## BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

5. For any candidate or issue on the ballot in an election for which the member will be serving on the local Board of Canvassers, a member may not (a) use his/her name as a host of a political event, (b) solicit a political contribution from anyone, or (c) allow his/her name to be used to solicit such a contribution.
6. Members may not publicly display (including through yard signs, bumper stickers or publicly comment) or show support for or opposition to any candidate or issue on the ballot in an election for which the member will be serving on the local Board of Canvassers.
7. Members may not wear campaign buttons, paraphernalia, or the like which show support for or opposition to any candidate or issue on the ballot in an election for which the member will be serving on the local Board of Canvassers.
8. Party Activity
  - a. A member may attend central committee meetings and consult with party members.
  - b. A member shall not serve on an executive committee of the party or assume a role within the party that has decision-making authority.
9. Petitions
  - a. A member may not sign a petition for any candidates or issues that may appear on the ballot in any election for which the member will be serving on the local Board of Canvassers.
  - b. A member shall not circulate petitions for any candidates or issues that may appear on the ballot in any election for which the member will be serving on the local Board of Canvassers.

### Section 4.3 – Ethics

- A. Compliance. Each member shall comply with the State's ethics laws,<sup>5</sup> including:
  1. Timely electronic filing of the Financial Disclosure Statement<sup>6</sup> required under Title 5, Subtitle 6 of the General Provisions Article; and
  2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria<sup>7</sup> as required under § 5-505 of the General Provisions Article. See Appendix 2.
- B. Conflict of Interest.
  1. A member shall recuse himself or herself and shall not participate in a matter if the member:
    - a. Has a relative with an interest in the matter and the member knows of the interest;
    - b. Is part of a business entity which has an interest in the matter;
    - c. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
    - d. Has a direct financial interest in the matter;
    - e. Has provided support during the current campaign through a contribution, volunteering, or a candidate or petition that is the subject of the matter; or
    - f. Otherwise believes that participation would create a conflict of interest
  2. A member may seek the advice of the Board's counsel as to the presence of a conflict of interest or other good cause for disqualification.

---

<sup>4</sup> See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."

<sup>5</sup> Chapter 31 of the 2017 Laws of Maryland (House Bill 879) requires electronic filing by members of the local boards of elections. Electronic filing is available at <https://efds.ethics.maryland.gov/>. Paper filing is no longer accepted.

<sup>6</sup> See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."



## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

3. If a member does not voluntarily recuse himself or herself, the other members may disqualify that member upon a unanimous determination that the member has a conflict of interest that should disqualify that member from acting on a particular matter. This disqualification and the reason for it shall be included in the meeting minutes.
4. If a member recuses himself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be included in the meeting minutes.

### **Section 4.4 – Resignation and Vacancies**

- A. Resignation. A member who chooses to resign shall:
  1. Write a letter to the Governor informing the Governor of the member's decision to resign;
  2. Inform the county central committee of the party with which he or she is affiliated of the resignation; and
  3. Inform the Election Director, the President, and the State Administrator of the resignation.
- B. Filling Vacancy. If a member dies, resigns, is removed, or becomes ineligible, the substitute member belonging to the same political party shall become a regular member of the local board, and the Governor shall appoint an eligible person from the same political party as that member in accordance with § 2-201(h) of the Election Law Article.

### **Section 4.5 – Level of Effort**

Each member shall expend the time and effort necessary to attend meetings and election activities to ensure that they fully understand their duties as members, and their role as members of the Board of Canvassers. Members shall familiarize themselves with important concepts in the administration of Maryland elections, such as the process to register to vote, the purpose of provisional voting, general information about the voting process, the absentee ballot process, and important election deadlines.

### **Section 4.6 – Fiduciary Duty to the Board**

- A. Each member has a fiduciary duty of care and loyalty to the Board.
- B. Each member shall put the interests of the Board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the Board.

### **Section 4.7 – Non-Disclosure/Confidentiality**

- A. A member shall not share confidential or sensitive information with outside entities and individuals who are not Board members or employees of the Montgomery County Board of Elections.
- B. A member who conducts Board business with a personal email account shall cooperate with Board staff in connection with any response to a request pursuant to the Public Information Act.

## **ARTICLE 5 – ROLES AND RESPONSIBILITIES**

### **Section 5.1 – The Board**

The Board shall:

- A. Carry out all duties assigned to it under the Election Law Article and the regulations, policies, and procedures established by SBE<sup>8</sup>;
- B. Not be involved in day-to-day activities of the election office; and
- C. Account to the public for the services of the agency and expenditures of its funds.

---

<sup>7</sup> These duties are shown in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, the Election Director and Staff*.

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

### **Section 5.2 – The Election Director and Staff**

- A. The Election Director shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by SBE, and duties assigned or delegated by the Board.
- B. The Election Director is responsible for duties listed in the *Assignment of Local Board of Elections' Duties to Members of the Local Board, Election Director, and Staff*.

### **Section 5.3 – Counsel to the Board**

- A. Appointment. As required under § 2-205 of the Election Law Article, the Board shall retain as counsel an individual who is a registered voter of the county and admitted to practice law in Maryland.
- B. Duties. In addition to the retainer contract, the individual appointed as counsel, or in the counsel's absence, substitute counsel, shall:
  - 1. Attend Board meetings and all canvass sessions;
  - 2. Attend the biennial conference hosted by SBE and the annual MAEO conference;
  - 3. Participate in pre-election conference calls hosted by SBE;
  - 4. Review major policy guidelines and instructions from SBE;
  - 5. Generally be available to provide advice when needed;
  - 6. Take the oath to serve as counsel to the Board of Canvassers; and
  - 7. Be present for any decision by the Board of Canvassers on the legality or acceptability of any provisional ballot application or of any vote on any ballot.

### **Section 5.4 – Personnel Management**

- A. Duties – Board. As required under § 2-202(b)(2) of the Election Law Article, the Board shall:
  - 1. Hire and supervise the Election Director;
  - 2. Perform a semi-annual performance evaluation of the Election Director; and
  - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or the County merit system requirements in all matters concerning appointment, leave, discipline, or termination.
- B. Duties – Election Director. The Election Director shall:
  - 1. Hire, supervise and discipline the staff;
  - 2. Perform or ensure the performance of semi-annual performance evaluations of staff;
  - 3. Comply with the County's merit system requirements in all matters concerning leave, discipline or termination.

## **ARTICLE 6 – MISCELLANEOUS**

### **Section 6.1 – Membership in MAEO**

Each member of the Board, the Election Director, the Deputy Director, and other staff shall be members of the Maryland Association of Election Officials (MAEO).

### **Section 6.2 – Training and Continuing Education**

The Board shall encourage and support the efforts of the Election Director and staff to obtain training and continuing education courses to assist the director and staff in the performance of their jobs.

## BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

### Section 6.3 – Public Information Act<sup>9</sup>

When a request submitted under the Public Information Act request is received, the Board shall ensure that:

- A. The State Administrator is notified of the request; and
- B. The request is completed in timely manner.

### Section 6.4 – Litigation

If the Board is notified that it is party to a lawsuit, the Board shall direct the Election Director to immediately notify the State Administrator. A member cannot accept service of process on behalf of the Board.


### Section 6.5 – Reimbursement for Travel and Expenses


The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.

### SIGNATURES

  
Jim Shalleck, President      11/18/19  
Date

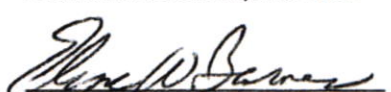
  
Margaret Jurgensen, Election Director      11/18/19  
Date


  
Nahid Khozeimeh, Vice President      11/18/19  
Date

  
Kevin Karpinski, Board Counsel      11/18/19  
Date

  
David Naimon, Secretary      11/18/19  
Date

  
Diane Nash Dillon, Member      11/18/19  
Date

  
Elisse Wright Barnes, Member      11/18/19  
Date

  
Jacqueline Phillips, Substitute Member      11/18/19  
Date

  
Alan Banov, Substitute Member      11/18/19  
Date

<sup>9</sup> For information and guidance on the Public Information Act, see information posted on the Office of the Attorney General's website at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/pia.aspx>.

## **BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS**

### **APPENDIX 1**

#### **Election Law Article, Annotated Code of Maryland**

##### **§2-301.**

- (a) This section applies to:
  - (1) a member of the State Board;
  - (2) a regular or substitute member of a local board;
  - (3) the State Administrator;
  - (4) an employee of the State Board or of a local board, including the election director of a board; (5) counsel appointed under § 2-205 of this title; and
  - (6) an election judge.
- (b) (1) An individual subject to this section may not, while holding the position:
  - (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
  - (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
  - (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
    - 1. be a campaign manager;
    - 2. be a treasurer or subtreasurer for a campaign finance entity; or
    - 3. take any other active part in political management or a political campaign.
- (2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:
  - (i) while performing official duties on election day; and
  - (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

### **APPENDIX 2**

#### **General Provisions Article, Annotated Code of Maryland**

##### **§ 5-505**

###### **(a) Gift solicitation prohibited. --**

- (1) An official or employee may not solicit any gift.
- (2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in § 5-702(a)(1) of this title.

###### **(b) Gift acceptance prohibited. --**

- (1) In this subsection, "entity" does not include a governmental unit.
- (2) Except as provided in subsection (c) of this section, an official or employee may not knowingly accept a gift, directly or indirectly, from an entity that the official or employee knows or has reason to know:
  - (i) does or seeks to do any business of any kind, regardless of amount, with the official's or employee's governmental unit;

## BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

- (ii) engages in an activity that is regulated or controlled by the official's or employee's governmental unit;
- (iii) has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; or
- (iv) is a regulated lobbyist with respect to matters within the jurisdiction of the official or employee.

### **(c) Exceptions. --**

**(1)** Notwithstanding subsection (b) of this section, an official or employee may accept a gift listed in paragraph (2) of this subsection unless:

(i) the gift would tend to impair the impartiality and independent judgment of the official or employee; or

(ii) as to a gift of significant value:

1. the gift would give the appearance of impairing the impartiality and independent judgment of the official or employee; or

2. the official or employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the official or employee.

**(2)** Subject to paragraph (1) of this subsection, subsection (b) of this section does not apply to:

(i) 1. except for officials of the Legislative Branch, meals or beverages received and consumed by the official or employee in the presence of the donor or sponsoring entity;

2. for officials of the Legislative Branch, food or beverages received and consumed by the official in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited;

3. for a member of the General Assembly, food or beverages received from a donor or sponsoring entity, other than an individual regulated lobbyist described in § 5-701(a)(1) of this title, during a period when the General Assembly is not in session, at a location that is within a county that contains the member's district, provided that the donor or sponsoring entity is located within a county that contains the member's district; or

4. for a member of the General Assembly, food or beverages received at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense;

(ii) ceremonial gifts or awards of insignificant monetary value;

(iii) except for a State official of the Executive Branch or Legislative Branch, unsolicited gifts of nominal value;

(iv) for a State official of the Executive Branch or Legislative Branch, unsolicited gifts from a regulated lobbyist that are not meals or alcoholic beverages and that do not exceed \$ 20 in cost;

(v) trivial gifts of informational value;

(vi) in return for participation on a panel or a speaking engagement at a meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of the official or employee if the expenses are associated with the meeting, except that, if such expenses for a State official of the Legislative Branch or Executive Branch are to be paid by a regulated lobbyist and are



## BYLAWS OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

anticipated to exceed \$ 500, the official shall notify the appropriate advisory body before attending the meeting;

**(vii)** for a member of the General Assembly, reasonable expenses for food, travel, lodging, or scheduled entertainment to attend a legislative conference that has been approved by the member's presiding officer;

**(viii)** tickets or free admission extended to an elected constitutional officer from the person sponsoring or conducting the event, as a courtesy or ceremony to the office, to attend a charitable, cultural, or political event;

**(ix)** a specific gift or class of gifts exempted from subsection (b) of this section by the Ethics Commission on a written finding that:

1. acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of government; and
2. the gift is purely personal and private in nature;

**(x)** a gift from:

1. an individual related to the official or employee by blood or marriage; or
2. any other individual who is a member of the household of the official or employee; or

**(xi)** to the extent provided in subsection (d) of this section, honoraria.

### **(d) Honoraria. --**

**(1)** Except as provided in subsection (c)(2)(vi) of this section, a member or member-elect of the General Assembly may not accept an honorarium.

**(2)** Subject to subsection (c)(1) of this section, an official or employee who is not a member or member-elect of the General Assembly may accept an honorarium if:

**(i)** the honorarium is limited to reasonable expenses for the official's meals, travel, and lodging, and reasonable and verifiable expenses for care of a child or dependent adult, that are actually incurred;

**(ii)** the honorarium consists of gifts described in subsection (c)(2)(ii) through (iv) of this section; or

**(iii)** the official or employee is a faculty member of a State institution of higher education who does not hold another position as an official that precludes receiving the honorarium.

**(3)** Other than as allowed by paragraph (2) of this subsection, an honorarium may not be accepted, even if allowed by subsection (c)(1) of this section, if:

**(i)** the payor of the honorarium has an interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; and

**(ii)** the offering of the honorarium is related in any way to the official's or employee's official position.

**(e) Gifts prohibited under State Finance and Procurement Article. --** An official or employee may not accept a gift that is prohibited under § 13-211 of the State Finance and Procurement Article.

**(f) Further exemptions. --** By regulation, the Ethics Commission may define further exemptions from this section as may be necessary.