

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING CHAPTER 6, “ELECTIONS”, SECTION 6-33 “PENALTIES” TO**  
**CLARIFY THE HEARING PROCEDURE ESTABLISHED FOR WILLFUL**  
**VIOLATIONS, ADDING SUBSECTION (F) TO SECTION 6-33 AUTHORIZING**  
**THE BOARD OF SUPERVISORS OF ELECTIONS TO DIRECT CORRECTIVE**  
**REMEDIAL ACTION FOR INADVERTENT OR UNINTENTIONAL**  
**VIOLATIONS, AND TO GRANT THE BOARD DISCRETION IN ASSESSING**  
**FINES FOR MISDEMEANORS**

**WHEREAS**, pursuant to Md. Ann. Code, Article 23A, § 2(a), the City of Bowie (hereinafter, “the City”) has the general authority to pass such ordinances not contrary to the Constitution of Maryland, public general law, or, except as provided in Md. Code Ann., Article 23A, § 2B, public local law, as it may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality’s rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, pursuant to this authority, the City has enacted Chapter 6, “Elections” of the City Code; and

**WHEREAS**, the Bowie City Council enacted Ordinance O-6-08 (As Amended) to amend and clarify provisions of the Bowie Election Code; and

**WHEREAS**, as part of that enactment, the City Council established certain penalties and procedures for violations of the Code; and

**WHEREAS**, based upon review of the Board of Supervisors of Elections, it has become apparent that certain additional clarifications are necessary on order to permit the Board to effectively administer the Code.

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CAPITALS : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from existing law.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Chapter 6, “Elections”, Section 6-33, “Penalties”, of the City Code, be reenacted and amended as follows:

**Sec. 6-33. Penalties.**

(a) Unless otherwise specified by this Chapter or the City Charter, any person who is [found] CHARGED by the Board of Elections[, after a hearing to be held within seven (7) days after the finding,] to have willfully violated any provision of this Chapter shall be guilty of a municipal infraction pursuant to Section 1-6 of this Code. Any person who attempts to fraudulently influence the outcome of any election conducted under this Chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both fine and imprisonment. The following actions shall be deemed actions designed to fraudulently influence the outcome of an election under this Chapter and shall be punished in accordance with this subsection:

1. Offering a bribe,
2. Accepting or soliciting a bribe,
3. Acting on a bribe,
4. Making a political contribution under a false name,
5. Coercing a city employee to support any candidate for election or to contribute any money or other thing of value to the candidate or the candidate’s campaign.

(b) ANY PERSON FOUND TO HAVE COMMITTED violations of two (2) cumulative municipal infractions of this Chapter over the course of one campaign after adjudication by the District Court or by payment of the fine to the City, [followed by] AND WHO COMMITS a third violation of

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Section 6-75 of this Chapter SHALL BE GUILTY OF A MISDEMEANOR.

(c) Except as provided in subsection[A] (A), any person who violates the provisions of Section 6-75 of this Chapter shall be guilty of a municipal infraction and shall be subject to a fine[ of] NOT TO EXCEED five hundred dollars (\$500). Violations are considered cumulative over the course of a campaign for purposes of enforcement.

(d) Any elected official or candidate who is found guilty of a misdemeanor under the provisions of this Chapter shall immediately cease to hold such office, and shall be disqualified as a candidate.

(e) The City may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this Chapter or to correct violations of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, injunctions, mandamus, or any other appropriate form of relief or remedy.

(F) ANY PERSON CHARGED BY THE BOARD WITH A VIOLATION UNDER SECTION 6-33(A) SHALL BE ENTITLED TO A HEARING BEFORE THE BOARD TO BE HELD WITHIN SEVEN (7) DAYS AFTER NOTICE OF THE ALLEGED VIOLATION.

(G) THE BOARD OF SUPERVISORS OF ELECTIONS IS FURTHER AUTHORIZED TO DIRECT CORRECTIVE ACTION FOR VIOLATIONS DEEMED BY THE BOARD TO BE EITHER INADVERTENT OR MINIMAL AND HAVING NO EFFECT ON THE ELECTION CAMPAIGN.

**Section 2.** **BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after the enactment of this Ordinance by the Council of the City of Bowie, Maryland and further provided that a fair summary of this Ordinance is published at least once prior

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to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

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Pamela A. Fleming, City Clerk

By: \_\_\_\_\_  
G. Frederick Robinson, Mayor

**APPROVED AS TO FORM AND SUFFICIENCY:**

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Robert H. Levan, City Attorney

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