

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 6

Bill No. 30-2017

Introduced by Jennifer Terrasa and Jon Weinstein

AN ACT establishing a voluntary Citizens' Election Fund system for candidates for County Executive or County Council; regulating specified campaign finance activities of a candidate who accepts public funding; providing for the administration and enforcement of specified aspects of the Citizens' Election Fund system; providing certain penalties for violations of the Citizens' Election Fund system; creating a Citizens' Election Fund Commission and specifying its composition and duties; requiring the Director of Finance to take specified actions; and generally related to elections for County offices.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, in November 2016, the voters of Howard County approved a charter
2 amendment to require the County Council to create a Citizens' Election Fund system; and

3
4 **WHEREAS**, the Citizens' Election Fund system is intended to promote and encourage
5 broader access to elected office in Howard County and to prevent large donations from having
6 undue influence in government; and

7
8 **WHEREAS**, the Citizens' Election Fund system is intended to enable citizens of Howard
9 County to run for office on the strength of their ideas, supported by small donations from
10 ordinary people and matching funds from the Citizens' Election Fund;

11
12 **NOW, THEREFORE,**

13
14 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
15 *County Code is amended as follows:*

16 *By adding:*

17 *Title 10 - Elections and election districts.*

18 *Subtitle 3. – Citizens' Election Fund.*

19
20
21 **Title 10 - Elections and election districts.**

22 **SUBTITLE 3. CITIZENS' ELECTION FUND**

23
24 **SEC. 10.300. - DEFINITIONS**

25 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

26 (B) "APPLICANT CANDIDATE" MEANS A CANDIDATE WHO IS SEEKING TO BE A CERTIFIED
27 CANDIDATE IN A PRIMARY OR GENERAL ELECTION.

28 (C) "CAMPAIGN FINANCE ENTITY" HAS THE MEANING STATED IN TITLE 1, SUBTITLE 1 OF THE
29 ELECTION LAW ARTICLE OF THE MARYLAND CODE.

30 (D) "CERTIFIED CANDIDATE" MEANS A CANDIDATE WHO IS CERTIFIED AS ELIGIBLE FOR PUBLIC
31 CAMPAIGN FINANCING FROM THE FUND.

1 (E) "CITIZEN FUNDED CAMPAIGN ACCOUNT" MEANS A CAMPAIGN FINANCE ACCOUNT INTO WHICH
2 ELIGIBLE CONTRIBUTIONS WILL BE RECEIVED AND FROM WHICH MONEY MAY BE SPENT IN
3 ACCORDANCE WITH THIS SUBTITLE.

4 (F) "COMMISSION" MEANS THE CITIZENS' ELECTION FUND COMMISSION.

5 (G) "CPI" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS: ALL ITEMS IN
6 WASHINGTON-BALTIMORE, DC-MD-VA-WV (CMSA) AS PUBLISHED BY THE UNITED STATES
7 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

8 (H) "CONTESTED ELECTION" MEANS ANY ELECTION, INCLUDING A SPECIAL ELECTION, IN WHICH
9 THERE ARE MORE CANDIDATES FOR OFFICE THAN THE NUMBER WHO CAN BE ELECTED TO THAT
10 OFFICE.

11 (I) "CONTRIBUTION" HAS THE MEANING STATED IN TITLE 1, SUBTITLE 1 OF THE ELECTION LAW
12 ARTICLE OF THE MARYLAND CODE

13 (J) "COUNTY BOARD" MEANS THE HOWARD COUNTY BOARD OF ELECTIONS.

14 (K) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE DIRECTOR'S
15 DESIGNEE.

16 (L) "ELECTION CYCLE" HAS THE MEANING STATED IN TITLE 1, SUBTITLE 1 OF THE ELECTION LAW
17 ARTICLE OF THE MARYLAND CODE.

18 (M) "ELIGIBLE CONTRIBUTION" MEANS AN AGGREGATE DONATION IN A 4-YEAR ELECTION CYCLE
19 FROM AN INDIVIDUAL, INCLUDING AN INDIVIDUAL WHO DOES NOT RESIDE IN THE COUNTY, THAT
20 DOES NOT EXCEED THE CONTRIBUTION LIMIT SET IN THIS SUBTITLE.

21 (N) "FUND" MEANS THE CITIZENS' ELECTION FUND.

22 (O) "PARTICIPATING CANDIDATE" MEANS A CERTIFIED CANDIDATE WHO HAS RECEIVED A PUBLIC
23 CONTRIBUTION FROM THE FUND DURING THE CURRENT ELECTION CYCLE.

24 (P) "PUBLIC CONTRIBUTION" MEANS MONEY DISBURSED FROM THE FUND TO A CERTIFIED
25 CANDIDATE.

26 (Q) "QUALIFYING CONTRIBUTION" MEANS AN ELIGIBLE CONTRIBUTION IN SUPPORT OF AN
27 APPLICANT CANDIDATE THAT IS:

28 (1) MADE BY A COUNTY RESIDENT;

29 (2) MADE AFTER THE BEGINNING OF THE QUALIFYING PERIOD, BUT NO LATER THAN THE NEXT
30 GENERAL ELECTION; AND

31 (3) ACKNOWLEDGED BY A RECEIPT.

1 (R) "QUALIFYING PERIOD" MEANS:

2 (1) THE TIME BEGINNING ON JANUARY 1 FOLLOWING THE LAST ELECTION FOR THE OFFICE THE
3 CANDIDATE SEEKS AND ENDING 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION; OR

4 (2) FOR A SPECIAL ELECTION, THE TIME THAT THE COUNTY COUNCIL SETS BY RESOLUTION.

5 (S) "SLATE" HAS THE MEANING STATED IN TITLE 1, SUBTITLE 1 OF THE ELECTION LAW ARTICLE OF
6 THE MARYLAND CODE.

7 (T) "STATE BOARD" MEANS THE MARYLAND STATE BOARD OF ELECTIONS.

8

9

10 10.301. SCOPE

11 (A) *COVERED OFFICES.*

12 THIS SUBTITLE APPLIES TO ELECTIONS FOR COUNTY EXECUTIVE AND COUNTY COUNCIL.

13 (B) *IN GENERAL.*

14 A CANDIDATE WHO WISHES TO RECEIVE PUBLIC CONTRIBUTIONS MAY APPLY FOR
15 CERTIFICATION IN ACCORDANCE WITH THIS SUBTITLE.

16

17 10.302. COLLECTING QUALIFYING CONTRIBUTIONS.

18 (A) *PRELIMINARY STEPS.*

19 BEFORE RAISING A CONTRIBUTION GOVERNED BY THIS SUBTITLE, AN APPLICANT
20 CANDIDATE SHALL:

21 (1) FILE NOTICE OF INTENT WITH THE STATE BOARD IN THE MANNER THAT THE STATE
22 BOARD REQUIRES; AND

23 (2) ESTABLISH A CITIZEN FUNDED CAMPAIGN ACCOUNT.

24 (B) *CONTRIBUTION LIMITS.*

25 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
26 APPLICANT CANDIDATE SHALL NOT ACCEPT:

27 (I) ELIGIBLE CONTRIBUTIONS FROM AN INDIVIDUAL OF MORE THAN \$250 IN THE
28 AGGREGATE DURING AN ELECTION CYCLE; OR

29 (II) A LOAN.

1 (2) AN APPLICANT CANDIDATE MAY ACCEPT UP TO \$12,000 IN CONTRIBUTIONS OR LOANS
2 CONSISTING OF A COMBINED TOTAL OF NOT MORE THAN \$6,000 FROM EACH OF THE FOLLOWING
3 FAMILY MEMBERS:

4 (I) THE APPLICANT CANDIDATE;

5 (II) A SPOUSE;

6 (III) A PARENT; OR

7 (IV) A SIBLING .

8 (C) *CPI ADJUSTMENT.*

9 (1) THE CONTRIBUTION LIMIT SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION SHALL BE
10 ADJUSTED FOR THE NEXT ELECTION CYCLE ON JULY 1, 2022, AND JULY 1 OF EACH SUBSEQUENT
11 FOURTH YEAR BY THE INCREASE IN THE CPI FOR THE PREVIOUS 4 CALENDAR YEARS, ROUNDED UP
12 TO THE NEXT \$10.

13 (2) THE DIRECTOR SHALL PUBLISH THIS AMOUNT NOT LATER THAN THE JANUARY 1 AFTER
14 AN ADJUSTMENT IS MADE.

15
16 10.303. REQUIREMENTS FOR CERTIFICATION.

17 (A) *APPLICATION FOR CERTIFICATION.*

18 (1) AN APPLICANT CANDIDATE SHALL APPLY TO THE STATE BOARD FOR CERTIFICATION.

19 (2) THE STATE BOARD MAY ONLY ACCEPT AN APPLICATION DURING THE QUALIFYING
20 PERIOD.

21 (3) AN APPLICATION SHALL BE SUBMITTED ON THE FORM THAT THE STATE BOARD
22 REQUIRES.

23 (4) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, AN APPLICANT CANDIDATE MAY
24 SUBMIT ONLY ONE APPLICATION FOR CERTIFICATION FOR ANY ELECTION.

25 (5) AN APPLICANT CANDIDATE SHALL INCLUDE WITH THE APPLICATION ALL
26 DOCUMENTATION REQUIRED BY THE STATE OR, IN THE ABSENCE OF STATE REQUIREMENTS, THE
27 FOLLOWING:

28 (I) A DECLARATION FROM THE APPLICANT CANDIDATE AGREEING TO FOLLOW THE
29 REQUIREMENTS GOVERNING THE USE OF A PUBLIC CONTRIBUTION;

30 (II) A CAMPAIGN FINANCE REPORT THAT INCLUDES:

31 1. A LIST OF EACH QUALIFYING CONTRIBUTION RECEIVED;

1 2. A LIST OF EACH EXPENDITURE MADE BY THE CANDIDATE DURING THE
2 QUALIFYING PERIOD;

3 3. A COPY OF THE RECEIPT ASSOCIATED WITH EACH CONTRIBUTION THAT
4 IDENTIFIES THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS; AND

5 4. A COPY OF THE RECEIPT ASSOCIATED WITH EACH EXPENDITURE; AND

6 (III) A CERTIFICATE OF CANDIDACY FOR COUNTY EXECUTIVE OR COUNTY COUNCIL.

7 (6) IF AN APPLICATION IS DENIED, THE APPLICANT MAY REVISE THE APPLICATION ONCE IF
8 DONE BEFORE THE DEADLINE.

9 (B) *QUALIFICATIONS.*

10 TO QUALIFY AS A CERTIFIED CANDIDATE:

11 (1) A CANDIDATE FOR COUNTY EXECUTIVE MUST HAVE COLLECTED FROM COUNTY
12 RESIDENTS AT LEAST:

13 (i) 500 QUALIFYING CONTRIBUTIONS; AND

14 (ii) AN AGGREGATE TOTAL OF \$40,000; AND

15 (2) A CANDIDATE FOR COUNTY COUNCIL MUST HAVE COLLECTED FROM COUNTY
16 RESIDENTS AT LEAST:

17 (i) 125 QUALIFYING CONTRIBUTIONS; AND

18 (ii) AN AGGREGATE TOTAL OF \$10,000.

19 (C) *CONTRIBUTIONS.*

20 (1) AN APPLICANT CANDIDATE SHALL DEPOSIT ALL CONTRIBUTIONS RECEIVED INTO THE
21 CANDIDATE'S CITIZEN FUNDED CAMPAIGN ACCOUNT.

22 (2) AN APPLICANT CANDIDATE SHALL DELIVER TO THE STATE BOARD A COPY OF THE
23 RECEIPT FOR EACH QUALIFYING CONTRIBUTION THAT IDENTIFIES THE CONTRIBUTOR'S NAME AND
24 RESIDENTIAL ADDRESS AND THAT IS SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A DIGITAL
25 SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

26
27 10.304. STATE BOARD DETERMINATION.

28 (A) *IN GENERAL.*

29 WITHIN 10 DAYS AFTER THE STATE BOARD RECEIVES A COMPLETE APPLICATION FOR
30 CERTIFICATION, THE STATE BOARD SHALL CERTIFY AN APPLICANT CANDIDATE WHO QUALIFIES FOR
31 CERTIFICATION.

1 (B) *DECISION.*

2 THE DECISION BY THE STATE BOARD WHETHER TO CERTIFY A CANDIDATE IS FINAL.

3 (C) *AUTHORIZATION TO DISBURSE MONEY.*

4 IF THE STATE BOARD CERTIFIES A CANDIDATE, THE STATE BOARD SHALL SO NOTIFY THE
5 DIRECTOR. AFTER NOTIFICATION, THE DIRECTOR SHALL DISBURSE A PUBLIC CONTRIBUTION TO THE
6 CANDIDATE'S CITIZEN FUNDED CAMPAIGN ACCOUNT.

7

8 10.305. CITIZENS' ELECTION FUND ESTABLISHED.

9 (A) *IN GENERAL.*

10 THE DIRECTOR SHALL ESTABLISH A CITIZEN'S ELECTION FUND AS A SPECIAL NON-LAPSING
11 FUND IN ACCORDANCE WITH SECTION 611 OF THE HOWARD COUNTY CHARTER.

12 (B) *COMPONENTS OF THE FUND.*

13 THE FUND CONSISTS OF:

14 (1) MONEY APPROPRIATED TO THE FUND;

15 (2) ANY UNSPENT MONEY REMAINING IN A CERTIFIED CANDIDATE'S CITIZEN FUNDED
16 CAMPAIGN ACCOUNT AFTER THE CANDIDATE IS NO LONGER A CANDIDATE;

17 (3) ANY PUBLIC CONTRIBUTION RETURNED TO THE FUND;

18 (4) ANY DONATIONS MADE TO THE FUND;

19 (5) ANY FINES COLLECTED UNDER SECTION 10.311 OF THIS SUBTITLE; AND

20 (5) ANY EARNINGS ON MONEY IN THE FUND.

21 (C) *BUDGET ALLOCATION.*

22 EACH YEAR, THE COUNTY EXECUTIVE SHALL INCLUDE IN THE CURRENT EXPENSE BUDGET
23 THE AMOUNT REQUIRED UNDER SECTION 907 OF THE HOWARD COUNTY CHARTER.

24

25 10.306. DISTRIBUTION OF PUBLIC CONTRIBUTION.

26 (A) *IN GENERAL.*

27 (1) THE DIRECTOR SHALL DISTRIBUTE A PUBLIC CONTRIBUTION FOR AN ELECTION ONLY
28 DURING:

29 (i) THE TIME BEGINNING 365 DAYS BEFORE THE PRIMARY ELECTION FOR THE OFFICE
30 THE CANDIDATE SEEKS AND ENDING 15 DAYS AFTER THE GENERAL ELECTION; OR

1 (II) THE TIME THAT THE COUNTY COUNCIL SETS BY RESOLUTION FOR A SPECIAL
2 ELECTION.

3 (2) A CERTIFIED CANDIDATE MAY CONTINUE TO COLLECT QUALIFYING CONTRIBUTIONS
4 AND RECEIVE A MATCHING PUBLIC CONTRIBUTION UP TO A PRIMARY OR GENERAL ELECTION.

5 (3) (I) FOR PURPOSES OF THIS PARAGRAPH, WHETHER AN ELECTION IS CONTESTED
6 SHALL BE DETERMINED ON THE FIRST TUESDAY IN AUGUST.

7 (II) THE DIRECTOR SHALL NOT DISBURSE A PUBLIC CONTRIBUTION TO A CERTIFIED
8 CANDIDATE IN AN UNCONTESTED ELECTION; HOWEVER, A CERTIFIED CANDIDATE MAY
9 COLLECT CONTRIBUTIONS DURING AN UNCONTESTED ELECTION.

10 (B) *RECEIPTS; DEPOSITS.*

11 (1) TO RECEIVE A PUBLIC CONTRIBUTION, A PARTICIPATING CANDIDATE SHALL SUBMIT A
12 RECEIPT TO THE STATE BOARD FOR EACH QUALIFYING CONTRIBUTION.

13 (2) THE RECEIPT SHALL IDENTIFY THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS.

14 (3) THE DIRECTOR SHALL DEPOSIT THE APPROPRIATE PUBLIC CONTRIBUTION INTO A
15 PARTICIPATING CANDIDATE'S CITIZEN FUNDED CAMPAIGN ACCOUNT WITHIN 3 BUSINESS DAYS
16 AFTER THE STATE BOARD AUTHORIZES THE PUBLIC CONTRIBUTION.

17 (C) *CONTRIBUTIONS OF LESS THAN \$5.*

18 AN INDIVIDUAL CONTRIBUTION OF LESS THAN \$5 MAY BE CONSIDERED UNDER SECTION
19 10.303 OF THIS SUBTITLE BUT SHALL NOT BE CONSIDERED WHEN CALCULATING THE PUBLIC
20 CONTRIBUTION UNDER THIS SECTION.

21 (D) *AMOUNT OF DISTRIBUTION.*

22 (1) FOR A CERTIFIED CANDIDATE FOR COUNTY EXECUTIVE, THE PUBLIC CONTRIBUTION
23 SHALL EQUAL:

24 (I) \$7 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FIRST
25 \$50 OF EACH QUALIFYING CONTRIBUTION;

26 (II) \$4 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
27 SECOND \$50 OF EACH QUALIFYING CONTRIBUTION; AND

28 (III) \$1 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
29 THIRD \$50 OF EACH QUALIFYING CONTRIBUTION; AND

30 (IV) \$0 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED BEYOND THE
31 THIRD \$50 OF EACH QUALIFYING CONTRIBUTION.

1 (2) FOR A CERTIFIED CANDIDATE FOR COUNTY COUNCIL, THE PUBLIC CONTRIBUTION SHALL
2 EQUAL:

3 (I) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FIRST
4 \$50 OF EACH QUALIFYING CONTRIBUTION;

5 (II) \$3 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
6 SECOND \$50 OF EACH QUALIFYING CONTRIBUTION;

7 (III) \$1 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
8 THIRD \$50 OF EACH QUALIFYING CONTRIBUTION; AND

9 (IV) \$0 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED BEYOND THE
10 THIRD \$50 OF EACH QUALIFYING CONTRIBUTION.

11 (3) THE TOTAL PUBLIC CONTRIBUTION PAYABLE TO A CERTIFIED CANDIDATE FOR THE
12 ELECTION CYCLE, INCLUDING THE PRIMARY OR A GENERAL ELECTION, SHALL NOT EXCEED:

13 (I) \$750,000 FOR A CANDIDATE FOR COUNTY EXECUTIVE; AND

14 (II) \$95,000 FOR A CANDIDATE FOR COUNTY COUNCIL.

15 (E) *LIMITATION.*

16 THE DIRECTOR SHALL NOT DISTRIBUTE A PUBLIC CONTRIBUTION BASED ON:

17 (1) A CONTRIBUTION FROM THE CANDIDATE OR THE CANDIDATE'S SPOUSE; OR

18 (2) AN IN-KIND CONTRIBUTION OF PROPERTY, GOODS, OR SERVICES.

19 (F) *FUND INSUFFICIENCY.*

20 IF THE DIRECTOR DETERMINES THAT THE TOTAL AMOUNT AVAILABLE FOR DISTRIBUTION IN
21 THE FUND IS INSUFFICIENT TO MEET THE ALLOCATIONS REQUIRED BY THIS SECTION, THE DIRECTOR
22 SHALL REDUCE EACH PUBLIC CONTRIBUTION BY THE SAME PERCENTAGE.

23 (G) *DISBURSEMENTS AFTER PRIMARY ELECTION.*

24 WITHIN 3 BUSINESS DAYS AFTER THE COUNTY BOARD CERTIFIES THE RESULTS OF THE
25 PRIMARY ELECTION, THE STATE BOARD SHALL AUTHORIZE THE DIRECTOR TO CONTINUE TO
26 DISBURSE THE APPROPRIATE PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION TO EACH
27 PARTICIPATING CANDIDATE WHO IS CERTIFIED TO BE ON THE BALLOT FOR THE GENERAL ELECTION.

28 (H) *RETURN OF UNSPENT FUNDS.*

29 (1) WITHIN 30 DAYS AFTER THE COUNTY BOARD CERTIFIES THE RESULTS OF THE PRIMARY
30 ELECTION, A PARTICIPATING CANDIDATE WHO IS NOT CERTIFIED TO BE ON THE BALLOT FOR THE

1 GENERAL ELECTION SHALL RETURN TO THE FUND ANY UNSPENT MONEY IN THE CANDIDATE'S
2 CITIZEN FUNDED CAMPAIGN ACCOUNT.

3 (2) ON OR BEFORE DECEMBER 31 AFTER THE GENERAL ELECTION, A PARTICIPATING
4 CANDIDATE SHALL RETURN TO THE FUND ANY UNSPENT MONEY IN THE CANDIDATE'S CITIZEN
5 FUNDED CAMPAIGN ACCOUNT.

6 (I) *CANDIDATES NOMINATED BY PETITION OR BY NON-PRINCIPAL POLITICAL PARTIES.*

7 (1) "PRINCIPAL POLITICAL PARTIES" HAS THE MEANING STATED IN SECTION 1-101 OF THE
8 ELECTION LAW ARTICLE OF THE MARYLAND CODE.

9 (2) A CERTIFIED CANDIDATE NOMINATED BY PETITION OR BY A PARTY THAT IS NOT A
10 PRINCIPAL POLITICAL PARTY MAY RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION
11 IF THE CANDIDATE'S NOMINATION IS CERTIFIED BY THE COUNTY BOARD.

12 (3) A CERTIFIED CANDIDATE UNDER THIS SUBSECTION MUST QUALIFY 45 DAYS BEFORE THE
13 DATE OF THE GENERAL ELECTION.

14 (J) *CPI ADJUSTMENT.*

15 (1) THE TOTAL PUBLIC CONTRIBUTION LIMITS ESTABLISHED IN THIS SECTION SHALL BE
16 ADJUSTED FOR THE NEXT ELECTION CYCLE ON JULY 1, 2022, AND JULY 1 OF EACH SUBSEQUENT
17 FOURTH YEAR BY THE INCREASE IN THE CPI FOR THE PREVIOUS 4 CALENDAR YEARS, ROUNDED UP
18 TO THE NEXT \$10.

19 (2) THE DIRECTOR SHALL PUBLISH THESE AMOUNTS NOT LATER THAN THE JANUARY 1
20 AFTER AN ADJUSTMENT IS MADE.

21

22 10.307. USE OF PUBLIC CONTRIBUTION.

23 (A) *IN GENERAL.*

24 (1) A PARTICIPATING CANDIDATE MAY ONLY MAKE EXPENDITURES FROM THE CITIZEN
25 FUNDED CAMPAIGN ACCOUNT REGISTERED WITH THE STATE BOARD FOR EXPENSES INCURRED FOR
26 THE ELECTION.

27 (2) A PARTICIPATING CANDIDATE SHALL NOT PAY IN ADVANCE FOR PROPERTY, GOODS, OR
28 SERVICES TO BE USED AFTER CERTIFICATION WITH NON-QUALIFYING CONTRIBUTIONS RECEIVED
29 BEFORE APPLYING FOR CERTIFICATION.

30 (B) *ALLEGATION OF IMPERMISSIBLE ACT.*

1 A COMPLAINT ALLEGING AN IMPERMISSIBLE RECEIPT OR USE OF FUNDS BY A PARTICIPATING
2 CANDIDATE SHALL BE FILED WITH THE COMMISSION.

3 (C) *ACCESS TO RECORDS.*

4 ON REQUEST OF THE COMMISSION, A PARTICIPATING CANDIDATE SHALL PROVIDE THE
5 COMMISSION WITH REASONABLE ACCESS TO THE FINANCIAL RECORDS OF THE CANDIDATE'S
6 CITIZEN FUNDED CAMPAIGN ACCOUNT.

7
8 10.308. WITHDRAWAL.

9 (A) *IN GENERAL.*

10 A PARTICIPATING CANDIDATE MAY WITHDRAW FROM PARTICIPATION IF THE CANDIDATE
11 FILES A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD AND THE COMMISSION IN THE FORM
12 THAT THE STATE BOARD REQUIRES AND:

13 (1) TERMINATES CANDIDACY TO WITHDRAW FROM THE ELECTION COMPLETELY; OR

14 (2) WITHDRAWS PRIOR TO RECEIVING ANY PUBLIC CONTRIBUTION.

15 (B) *TERMINATION OF CANDIDACY.*

16 A PARTICIPATING CANDIDATE WHO WITHDRAWS UNDER SUBSECTION (A)(1) OF THIS
17 SECTION SHALL REPAY TO THE FUND THE FULL AMOUNT OF ANY PUBLIC CONTRIBUTION RECEIVED,
18 PLUS INTEREST ACCRUING FROM THE DATE OF WITHDRAWAL AT THE SAME RATE AS THAT IMPOSED
19 ON REAL PROPERTY TAXES IN ARREARS UNDER SECTION 20.102 OF THE COUNTY CODE.

20 (C) *PERSONAL LOANS.*

21 A CANDIDATE WHO WITHDRAWS UNDER THIS SECTION SHALL REPAY THE FUND UNDER
22 SUBSECTION (B) OF THIS SECTION BEFORE REPAYING ANY PERSONAL LOANS TO THE CANDIDATE'S
23 CAMPAIGN.

24 (D) *PERSONAL LIABILITY.*

25 IF THE FUNDS REMAINING IN THE CANDIDATE'S CITIZEN FUNDED CAMPAIGN ACCOUNT AT
26 THE TIME OF WITHDRAWAL ARE INSUFFICIENT TO REPAY THE FUND UNDER SUBSECTION (B) OF THIS
27 SECTION, THE CANDIDATE SHALL BE PERSONALLY LIABLE FOR REPAYMENT.

28 (E) *REDUCED REPAYMENT.*

29 THE COMMISSION MAY REDUCE ANY REPAYMENT UNDER SUBSECTION (B) OF THIS SECTION
30 FOR A PARTICIPATING CANDIDATE WHO MUST WITHDRAW FOR HEALTH REASONS OR OTHER CAUSE
31 NOT WITHIN THE CANDIDATE'S CONTROL AND MAY CONSIDER PERSONAL FINANCIAL HARDSHIP.

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10.309. APPLICANT AND PARTICIPATING CANDIDATE RESTRICTIONS.

AN APPLICANT CANDIDATE OR PARTICIPATING CANDIDATE SHALL NOT:

(1) ACCEPT A PRIVATE CONTRIBUTION FROM ANY GROUP OR ORGANIZATION, INCLUDING A POLITICAL ACTION COMMITTEE, A CORPORATION, A LABOR ORGANIZATION, OR A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY;

(2) ACCEPT PRIVATE CONTRIBUTIONS FROM AN INDIVIDUAL IN AN AGGREGATE AMOUNT GREATER THAN \$250 DURING AN ELECTION CYCLE, OR THE MAXIMUM AMOUNT OF AN ELIGIBLE CONTRIBUTION, AS ADJUSTED BY SECTION 10.302(C) OF THIS SUBTITLE;

(3) AFTER FILING A NOTICE OF INTENT WITH THE STATE BOARD TO SEEK PUBLIC FINANCING, PAY FOR ANY CAMPAIGN EXPENSE WITH ANY CAMPAIGN FINANCE ACCOUNT OTHER THAN THE CANDIDATE’S CITIZEN FUNDED CAMPAIGN ACCOUNT;

(4) BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE RECEIVES A PUBLIC CONTRIBUTION;

(5) ACCEPT A LOAN FROM ANYONE OTHER THAN THE CANDIDATE OR THE CANDIDATE’S SPOUSE, PARENT, OR SIBLING;

(6) TRANSFER MONEY:

(I) TO THE CANDIDATE’S CITIZEN FUNDED CAMPAIGN ACCOUNT FROM ANY OTHER CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; OR

(II) FROM THE CANDIDATE’S CITIZEN FUNDED CAMPAIGN ACCOUNT TO ANY OTHER CAMPAIGN FINANCE ENTITY; OR

(7) COORDINATE EXPENSES EXCEPT WITH ANOTHER PARTICIPATING CANDIDATE IF THE EXPENSES ARE SHARED EQUALLY AMONG THE COORDINATING CANDIDATES.

10.310. CITIZENS’ ELECTION FUND COMMISSION.

(A) *IN GENERAL.*

IN ACCORDANCE WITH SECTION 907 OF THE HOWARD COUNTY CHARTER, THERE IS A CITIZENS’ ELECTION FUND COMMISSION.

(B) *MEMBERSHIP.*

(1) THE COMMISSION CONSISTS OF 7 MEMBERS.

1 (2) EACH MEMBER OF THE COUNTY COUNCIL SHALL NOMINATE 1 MEMBER OF THE
2 COMMISSION.

3 (3) THE COUNTY EXECUTIVE SHALL NOMINATE 2 MEMBERS OF THE COMMISSION.

4 (4) EACH NOMINEE SHALL BE CONFIRMED BY A SEPARATE RESOLUTION OF THE COUNTY
5 COUNCIL.

6 (C) *QUALIFICATIONS.*

7 (1) EACH MEMBER OF THE COMMISSION SHALL BE A RESIDENT OF THE COUNTY.

8 (2) A MEMBER OF THE COMMISSION SHALL NOT BE A CANDIDATE FOR PUBLIC OFFICE
9 DURING THE PREVIOUS, CURRENT, OR NEXT ELECTION CYCLE.

10 (3) A MEMBER SHALL NOT BE A LOBBYIST REGISTERED WITH THE COUNTY.

11 (4) A MEMBER SHALL NOT BE THE CHAIR OR TREASURER FOR AN OPEN CAMPAIGN
12 ACCOUNT.

13 (D) *TERM, VACANCIES.*

14 (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS AND BEGINS ON THE MAY 1
15 DURING THE FIRST YEAR OF A COUNTY COUNCIL TERM.

16 (2) A VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT
17 AND FOR THE UNEXPIRED TERM.

18 (E) *OFFICERS.*

19 THE COMMISSION SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS
20 MEMBERS.

21 (F) *COMPENSATION; EXPENSES.*

22 A MEMBER OF THE COMMISSION SHALL NOT RECEIVE COMPENSATION FOR SERVICE ON THE
23 COMMISSION EXCEPT REASONABLE AND NECESSARY EXPENSES AS MAY BE PROVIDED IN THE
24 BUDGET.

25 (G) *DUTIES.*

26 (1) THE COMMISSION SHALL CALCULATE THE AMOUNTS AS REQUIRED BY SECTION 907 OF
27 THE COUNTY CHARTER.

28 (2) EXCEPT AS OTHERWISE SPECIFIED, THE COMMISSION SHALL ADMINISTER THIS SUBTITLE.

29 (H) *STAFF.*

30 THE DEPARTMENT OF FINANCE SHALL PROVIDE STAFF SUPPORT FOR THE COMMISSION.

31

1 10.311. *VIOLATIONS.*

2 (A) *IN GENERAL.*

3 A VIOLATION OF THIS SUBTITLE IS A CLASS A CIVIL VIOLATION UNDER TITLE 24 OF THE
4 COUNTY CODE.

5 (B) *PAYMENT.*

6 A FINE MAY BE PAID BY THE CAMPAIGN BUT ONLY IF ALL PUBLIC CONTRIBUTIONS HAVE
7 BEEN REPAID TO THE FUND. OTHERWISE, THE CANDIDATE OR OFFICER FOUND TO BE RESPONSIBLE
8 FOR THE VIOLATION IS PERSONALLY LIABLE FOR THE FINE.

9

10 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that the
11 Administrator of the Howard County Council shall submit this Act to the Maryland State Board of
12 Elections for approval and the system established by this Act shall not be implemented until the approval
13 is granted.

14

15 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that Section
16 1 of this Act shall become effective 61 days after its enactment.

17

18 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that the
19 Citizens' Election Fund System shall take effect for the 2022 election cycle.