

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

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 2

Bill No. 11 -2022

Introduced by: Opel Jones, Deb Jung, Christiana Rigby,
Liz Walsh, and David Yungmann
Co-sponsored by: The Chairperson at the request of the County Executive

AN ACT repealing a certain provision of law relating to the determination of whether an election is contested for the distribution of a public contribution from the Citizens' Election Fund; confirming that a certified candidate may receive a matching public contribution for any qualifying contributions that were collected prior to the effective date of this Act; making a technical correction in order to remove an ambiguity in the Citizens' Election Fund law to facilitate orderly administration of the program; generally relating to the Citizens' Election Fund; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, 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 _____, 2022.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2022 at ____ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

Calvin Ball, 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**, The Citizens’ Election Fund Commission has noted that the County Code is in
2 need of correction in order to successfully implement the Citizens’ Election Fund Program; and

3 **WHEREAS**, Section 10.306(a)(3)(ii) of the County Code prohibits the Direction of Finance
4 from disbursing a public contribution to a certified candidate in an election, unless the election is
5 contested; and

6 **WHEREAS**, Section 10.306(a)(3)(i) of the County Code relating to the determination of
7 whether an election is contested for the distribution of a public contribution from the Citizens’
8 Election Fund specifies that this determination is to be made on the first Tuesday in August
9 preceding an election. However, the County Council primary and the County Executive primary
10 is scheduled to occur on June 28, 2022. This provision of law is generally inconsistent with the
11 Citizens’ Election Fund Program; and

12 **WHEREAS**, The Citizens’ Election Fund Commission has determined that this section of
13 law should be corrected for this election cycle. Accordingly, corrective legislation is needed to
14 remove this language from current law.

15 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
16 Code is hereby amended as follows:

17 *By amending:*

18 *Title 10 – Elections and Election Districts.*

19 *Subtitle 3. Citizens’ Election Fund.*

20 *Section 10.306. Distribution of Public Contribution.*

21

22

HOWARD COUNTY CODE

23

Title 10 – Elections and Election Districts

24

Subtitle 3. Citizens’ Election Fund

25 **Sec. 10.306. Distribution of public contribution.**

26 (a) *In General.*

27 (1) The Director shall distribute a public contribution for an election only during:

- 1 (i) The time beginning 365 days before the primary election for the office the
2 candidate seeks and ending 15 days after the general election; or
- 3 (ii) The time that the County Council sets by Resolution for a special election.
- 4 (2) A certified candidate may continue to collect qualifying contributions and receive a
5 matching public contribution up to a primary or general election.
- 6 (3) [(i) For purposes of this paragraph, whether an election is contested shall be determined
7 on the first Tuesday in August preceding the election.
- 8 (ii)] The Director shall not disburse a public contribution to a certified candidate in an
9 election in which the candidate is the sole individual who has filed a certificate of
10 candidacy for that office; however, a certified candidate may collect contributions during
11 an uncontested election.
- 12 (b) *Receipts; Deposits.*
- 13 (1) To receive a public contribution, a participating candidate shall submit a receipt to the
14 State Board for each qualifying contribution.
- 15 (2) The receipt shall identify the contributor's name and residential address.
- 16 (3) The Director shall deposit the appropriate public contribution into a participating
17 candidate's Citizen Funded Campaign account within three business days after the
18 State Board authorizes the public contribution.
- 19 (c) *Contributions of Less Than \$5.00.* An individual contribution of less than \$5.00 may be
20 considered under section 10.303 of this subtitle but shall not be considered when calculating
21 the public contribution under this section.
- 22 (d) *Amount of Distribution.*
- 23 (1) For a certified candidate for County Executive, the public contribution shall equal:
- 24 (i) Seven dollars for each dollar of a qualifying contribution received for the first
25 \$50.00 of each qualifying contribution;
- 26 (ii) Four dollars for each dollar of a qualifying contribution received for the second
27 \$50.00 of each qualifying contribution; and

- 1 (iii) One dollar for each dollar of a qualifying contribution received for the third
2 \$50.00 of each qualifying contribution; and
- 3 (iv) Zero dollars for each dollar of a qualifying contribution received beyond the third
4 \$50.00 of each qualifying contribution.
- 5 (2) For a certified candidate for County Council, the public contribution shall equal:
- 6 (i) Five dollars for each dollar of a qualifying contribution received for the first
7 \$50.00 of each qualifying contribution;
- 8 (ii) Three dollars for each dollar of a qualifying contribution received for the second
9 \$50.00 of each qualifying contribution;
- 10 (iii) One dollar for each dollar of a qualifying contribution received for the third
11 \$50.00 of each qualifying contribution; and
- 12 (iv) Zero dollars for each dollar of a qualifying contribution received beyond the third
13 \$50.00 of each qualifying contribution.
- 14 (3) The total public contribution payable to a certified candidate for the election cycle,
15 including the primary or a general election, shall not exceed:
- 16 (i) Seven hundred thousand dollars for a candidate for County executive; and
17 (ii) Eighty-five thousand dollars for a candidate for County Council.
- 18 (e) *Limitation.* The Director shall not distribute a public contribution based on:
- 19 (1) A contribution from the candidate or the candidate's spouse; or
20 (2) An in-kind contribution of property, goods, or services.
- 21 (f) *Fund Insufficiency.* If the Director determines that the total amount available for distribution
22 in the fund is insufficient to meet the allocations required by this section, the Director shall
23 reduce each public contribution by the same percentage.
- 24 (g) *Disbursements After Primary Election.* Within three business days after the County Board
25 certifies the results of the primary election, the State Board shall authorize the Director to
26 continue to 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.

1 (h) *Return of Unspent Funds.*

2 (1) Within 30 days after the County Board certifies the results of the primary election, a
3 participating candidate who is not certified to be on the ballot for the general election
4 shall return to the fund any unspent money in the candidate's Citizen Funded Campaign
5 account.

6 (2) On or before December 31 after the general election, a participating candidate shall
7 return to the fund any unspent money in the candidate's Citizen Funded Campaign
8 account.

9 (i) *Candidates Nominated by Petition or by Non-Principal Political Parties.*

10 (1) "Principal political parties" has the meaning stated in section 1-101 of the Election
11 Law article of the Maryland Code.

12 (2) A certified candidate nominated by petition or by a party that is not a principal political
13 party may receive a public contribution for the general election if the candidate's
14 nomination is certified by the County Board.

15 (3) A certified candidate under this subsection must qualify 45 days before the date of the
16 general election.

17 (j) *CPI Adjustment.*

18 (1) The total public contribution limits established in this section shall be adjusted for the
19 next election cycle on July 1, 2022, and July 1 of each subsequent fourth year by the
20 increase in the CPI for the previous four calendar years, rounded up to the next \$10.00.

21 (2) The Director shall publish these amounts not later than the January 1 after an
22 adjustment is made.

23 ***Section 2. And Be it further enacted*** by the County Council of Howard County, Maryland, that the
24 County Council confirms that a certified candidate, as defined in Section 10.300(d), may
25 receive a matching public contribution for qualifying contributions that were collected prior
26 to the effective date of this Act if the certified candidate meets the requirements of Title 10,
27 Subtitle 3 of the County Code.

1 **Section 3. And Be it further enacted** by the County Council of Howard County, Maryland, that
2 *this Act is adopted as an emergency measure to address an immediate emergency affecting*
3 *public health, safety, or welfare and having been passed by two-thirds of its members, this Act*
4 *shall be effective immediately upon its enactment.*