

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 2

Resolution No. 27 - 2016

Introduced by: Jon Weinstein and Jennifer Terrasa

A RESOLUTION proposing to amend Section 611 “Lapsed Appropriations” of the Howard County Charter and add Section 907 “~~Citizen Funded Campaigns~~ Citizens’ Election Fund System” to the Howard County Charter; and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Introduced and read first time _____, 2016.

By order _____
Jessica Feldmark, Administrator

Read for a second time and a public hearing held on _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Resolution was read for the third time and was Adopted ____, Adopted with amendments ____, Failed ____, Withdrawn ____ by the County Council on _____, 2016.

By order _____
Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL 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 is intended to promote and encourage
2 broader access to elected office in Howard County and to prevent large donations from
3 having undue influence in government; and
4

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

9 **NOW, THEREFORE, BE IT RESOLVED** *by the County Council of Howard*
10 *County, Maryland, that the Howard County Charter is amended as follows:*

11 *By amending: Article VI – Budgetary and Fiscal Procedures*
12 *Section 611. Lapsed Appropriations.*
13

14 *By adding: Article IX. - General Provisions.*
15 *Section 907. ~~Citizen Funded Campaigns~~ Citizens' Election Fund System.*
16
17

18 **Article IX. - General Provisions.**
19

20 **Section 611. Lapsed Appropriations.**

21 Unless otherwise provided by public general law, all unexpended and unencumbered
22 appropriations in the current expense budget remaining at the end of the fiscal year shall
23 lapse into the County treasury, except that appropriations to the risk management,
24 ~~CITIZEN FUNDED CAMPAIGNS~~, and grants funds AND TO THE CITIZENS' ELECTION FUND
25 shall be non-reverting. No appropriation for a capital project in the capital budget shall
26 lapse until the purpose for which the appropriation was made shall have been
27 accomplished or abandoned; provided, however, that any capital project shall stand
28 abandoned if three fiscal years elapse without any expenditure from or encumbrance of
29 the appropriation made therefor. The balances remaining to the credit of the completed or
30 abandoned capital project shall be available for appropriation in subsequent capital
31 budgets.
32

1 **SECTION 907. ~~CITIZEN FUNDED CAMPAIGN~~ CITIZENS' ELECTION FUND SYSTEM.**

2 (A) THE COUNTY COUNCIL SHALL, BY ORDINANCE, ESTABLISH A ~~CITIZEN~~
3 ~~FUNDED CAMPAIGN~~ CITIZENS' ELECTION FUND SYSTEM FOR CANDIDATES FOR
4 COUNTY COUNCIL OR COUNTY EXECUTIVE, OR BOTH. THE ORDINANCE SHALL
5 INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS THAT:

6 (1) ALLOW CANDIDATES TO CHOOSE WHETHER TO PARTICIPATE IN THE
7 ~~CITIZEN FUNDED CAMPAIGN~~ CITIZENS' ELECTION FUND SYSTEM;

8 (2) ESTABLISH A CITIZENS' ELECTION FUND COMMISSION ~~ON~~ ~~CITIZEN~~
9 ~~FUNDED CAMPAIGNS~~ CONSISTING OF FIVE COUNTY RESIDENTS APPOINTED BY THE
10 COUNCIL AND TWO COUNTY RESIDENTS APPOINTED BY THE COUNTY EXECUTIVE,
11 AND PROVIDE FOR THE QUALIFICATIONS, TERMS, AND OFFICERS OF THE
12 COMMISSION; AND

13 (3) REQUIRE THE COMMISSION TO CALCULATE, NOT LATER THAN 180
14 DAYS PRIOR TO THE END OF THE FISCAL YEAR, THE TOTAL AMOUNT ESTIMATED FOR
15 THE FULL ELECTION CYCLE AND THE AMOUNT TO BE INCLUDED IN THE CURRENT
16 EXPENSE BUDGET FOR THE ENSUING FISCAL YEAR TO FULLY FUND THE ~~CITIZEN~~
17 ~~FUNDED CAMPAIGN~~ CITIZENS' ELECTION FUND SYSTEM.

18 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN EACH
19 FISCAL YEAR THE EXECUTIVE SHALL INCLUDE IN THE ANNUAL BUDGET AND
20 APPROPRIATION ORDINANCE REQUIRED BY ARTICLE VI OF THIS CHARTER THE
21 AMOUNT NECESSARY TO FULLY FUND THE ~~CITIZEN FUNDED CAMPAIGN~~ CITIZENS'
22 ELECTION FUND SYSTEM FOR THE ENSUING FISCAL YEAR, AS CALCULATED BY THE
23 COMMISSION.

24 (2) NOTWITHSTANDING ANY PROVISION OF ARTICLE VI OF THIS
25 CHARTER TO THE CONTRARY, IF THE EXECUTIVE DOES NOT INCLUDE THE AMOUNT
26 REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY COUNCIL MAY
27 AMEND THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE REQUIRED BY
28 ARTICLE VI TO INCLUDE THE REQUIRED AMOUNT.

29 (C) THE EXECUTIVE IS NOT REQUIRED TO INCLUDE IN THE ANNUAL BUDGET
30 AND APPROPRIATION ORDINANCE THE AMOUNT REQUIRED BY SUBSECTION (B) (1)
31 OF THIS SECTION IF:

1 (1) DURING THE CURRENT FISCAL YEAR, FUNDS HAVE BEEN OR ARE
2 BEING TRANSFERRED FROM THE BUDGET STABILIZATION ACCOUNT TO THE
3 GENERAL FUND REVENUES IN THE CURRENT EXPENSE BUDGET PURSUANT TO
4 SECTION 615A OF THIS CHARTER; OR

5 (2) NOT LATER THAN 120 DAYS PRIOR TO THE END OF THE FISCAL YEAR,
6 THE EXECUTIVE CERTIFIES TO THE COUNCIL THAT THE COUNTY'S FISCAL
7 CONDITION MAKES IT IMPRUDENT TO INCLUDE THE AMOUNT, AND THE COUNCIL
8 APPROVES THE CERTIFICATION BY A VOTE OF NOT LESS THAN TWO-THIRDS OF ITS
9 MEMBERS.

10
11 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
12 *County, Maryland, that at the next general election to be held in Maryland, the proposed*
13 *amendment to the Howard County Charter shall be submitted to the voters of Howard*
14 *County for their adoption or rejection in accordance with the provisions of the Article X*
15 *of the Howard County Charter and Article XIA of the Maryland Constitution, and if*
16 *adopted by the majority of the voters, shall stand adopted from and after the 30th day*
17 *following the general election;*

18
19 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
20 *County, Maryland, that the ~~Citizen Funded Campaign~~ Citizens' Election Fund System*
21 *shall take effect for the 2022 election cycle;*

22
23 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
24 *County, Maryland, that this Resolution, having been approved by two-thirds of the*
25 *members of the Howard County Council, stands adopted this _____ day of*
26 *_____, 2016 in accordance with Article X of the Howard County Charter.*