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.

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 \textbf{WHEREAS}, The Citizens' Election Fund Commission has noted that the County Code is in need of correction in order to successfully implement the Citizens' Election Fund Program; and

2 \textbf{WHEREAS}, Section 10.306(a)(3)(ii) of the County Code prohibits the Direction of Finance from disburse a public contribution to a certified candidate in an election, unless the election is contested; and

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

4 \textbf{WHEREAS}, The Citizens' Election Fund Commission has determined that this section of law should be corrected for this election cycle. Accordingly, corrective legislation is needed to remove this language from current law.

5 \textbf{Section 1.} Be it enacted by the County Council of Howard County, Maryland, that the Howard County Code is hereby amended as follows:

6 By amending:
7 \textit{Title 10 – Elections and Election Districts.}
8 \textit{Subtitle 3. Citizens’ Election Fund.}
9 \textit{Section 10.306. Distribution of Public Contribution.}

10 \textbf{HHoward County Code}

11 \textit{Title 10 – Elections and Election Districts}
12 \textit{Subtitle 3. Citizens’ Election Fund}
13
14 \textbf{Sec. 10.306. Distribution of public contribution.}
15 (a) \textit{In General.}
16
17 (1) The Director shall distribute a public contribution for an election only during:
(i) The time beginning 365 days before the primary election for the office the candidate seeks and ending 15 days after the general election; or

(ii) The time that the County Council sets by Resolution for a special election.

(2) A certified candidate may continue to collect qualifying contributions and receive a matching public contribution up to a primary or general election.

(3) [[(i) For purposes of this paragraph, whether an election is contested shall be determined on the first Tuesday in August preceding the election.

(ii)] The Director shall not disburse a public contribution to a certified candidate in an election in which the candidate is the sole individual who has filed a certificate of candidacy for that office; however, a certified candidate may collect contributions during an uncontested election.

(b) Receipts; Deposits.

(1) To receive a public contribution, a participating candidate shall submit a receipt to the State Board for each qualifying contribution.

(2) The receipt shall identify the contributor's name and residential address.

(3) The Director shall deposit the appropriate public contribution into a participating candidate's Citizen Funded Campaign account within three business days after the State Board authorizes the public contribution.

(c) Contributions of Less Than $5.00. An individual contribution of less than $5.00 may be considered under section 10.303 of this subtitle but shall not be considered when calculating the public contribution under this section.

(d) Amount of Distribution.

(1) For a certified candidate for County Executive, the public contribution shall equal:

(i) Seven dollars for each dollar of a qualifying contribution received for the first $50.00 of each qualifying contribution;

(ii) Four dollars for each dollar of a qualifying contribution received for the second $50.00 of each qualifying contribution; and
(iii) One dollar for each dollar of a qualifying contribution received for the third $50.00 of each qualifying contribution; and

(iv) Zero dollars for each dollar of a qualifying contribution received beyond the third $50.00 of each qualifying contribution.

(2) For a certified candidate for County Council, the public contribution shall equal:

(i) Five dollars for each dollar of a qualifying contribution received for the first $50.00 of each qualifying contribution;

(ii) Three dollars for each dollar of a qualifying contribution received for the second $50.00 of each qualifying contribution;

(iii) One dollar for each dollar of a qualifying contribution received for the third $50.00 of each qualifying contribution; and

(iv) Zero dollars for each dollar of a qualifying contribution received beyond the third $50.00 of each qualifying contribution.

(3) The total public contribution payable to a certified candidate for the election cycle, including the primary or a general election, shall not exceed:

(i) Seven hundred thousand dollars for a candidate for County executive; and

(ii) Eighty-five thousand dollars for a candidate for County Council.

(e) Limitation. The Director shall not distribute a public contribution based on:

(1) A contribution from the candidate or the candidate's spouse; or

(2) An in-kind contribution of property, goods, or services.

(f) Fund Insufficiency. If the Director determines that the total amount available for distribution in the fund is insufficient to meet the allocations required by this section, the Director shall reduce each public contribution by the same percentage.

(g) Disbursements After Primary Election. Within three business days after the County Board certifies the results of the primary election, the State Board shall authorize the Director to continue to disburse the appropriate public contribution for the general election to each participating candidate who is certified to be on the ballot for the general election.
(h) **Return of Unspent Funds.**

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

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

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

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

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

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

(j) **CPI Adjustment.**

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

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

Section 2. And Be it further enacted by the County Council of Howard County, Maryland, that the County Council confirms that a certified candidate, as defined in Section 10.300(d), may receive a matching public contribution for qualifying contributions that were collected prior to the effective date of this Act if the certified candidate meets the requirements of Title 10, Subtitle 3 of the County Code.
Section 3. And Be it further enacted by the County Council of Howard County, Maryland, that
this Act is adopted as an emergency measure to address an immediate emergency affecting
public health, safety, or welfare and having been passed by two-thirds of its members, this Act
shall be effective immediately upon its enactment.
This Bill, having been approved by the Executive and returned to the Council, stands enacted on ______________________, 2021.

Michelle Harrod, Administrator to the County Council

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on ______________________, 2021.

Michelle Harrod, Administrator to the County Council

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on ______________________, 2021.

Michelle Harrod, Administrator to the County Council

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on ______________________, 2021.

Michelle Harrod, Administrator to the County Council

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on ______________________, 2021.

Michelle Harrod, Administrator to the County Council

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on ______________________, 2021.

Michelle Harrod, Administrator to the County Council