

Introduced by: Councilmember Burnett, Henry, Donsey, Bullock, *ch*, SNGED, M

Prepared by: Department of Legislative Reference

Date: June 19, 2019

McCray, C
Paisinger
Scott

Referred to: JUDICIARY Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0403

A BILL ENTITLED

AN ORDINANCE concerning

Fair Election Fund – Establishment and Administration

FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

BY authority of
Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

Marybeth Clarke
Edward Donsey *Bullock*

BY adding
Article 5 - Finance, Property, and Procurement
Section(s) 11-1 to 11-23, to be under the new subtitle,
"Subtitle 11. Fair Election Fund"
Baltimore City Code
(Edition 2000)

Shawn M. [Signature]
Donsey *Daniel McCray*
[Signature]

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Department of Public Works	Board of Estimates
Department of Real Estate	Board of Ethics
Department of Recreation and Parks	Board of Municipal and Zoning Appeals
Department of Transportation	Comm. for Historical and Architectural Preservation
Fire Department	Commission on Sustainability
Health Department	Employees' Retirement System
Mayor's Office of Employment Development	Other:
Mayor's Office of Human Services	Other:
Mayor's Office of Information Technology	Other:
Office of the Mayor	Other:
Police Department	Other:
Other:	Other:
Other:	Other:
Department of Public Works	Environmental Control Board
Department of Real Estate	Fire & Police Employees' Retirement System
Department of Recreation and Parks	Labor Commissioner
Department of Transportation	Parking Authority Board
Fire Department	Planning Commission
Health Department	Wage Commission
Mayor's Office of Employment Development	Other:
Mayor's Office of Human Services	Other:
Mayor's Office of Information Technology	Other:
Office of the Mayor	Other:
Police Department	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

By renumbering current

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 40-14(e).5a and 41-14(.5a) to Sections 40-14(e).5b and 41-14(.5b)
Baltimore City Code
(Edition 2000)

By adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e).5a and 41-14(.5a)
Baltimore City Code
(Edition 2000)



CITY OF BALTIMORE
ORDINANCE **20 . 338**
Council Bill 19-0403

Introduced by: Councilmembers Burnett, Henry, Dorsey, Bullock, Cohen, Sneed, Middleton,
McCray, Clarke, Reisinger, President Scott

Introduced and read first time: June 24, 2019

Assigned to: Judiciary Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 18, 2019

AN ORDINANCE CONCERNING

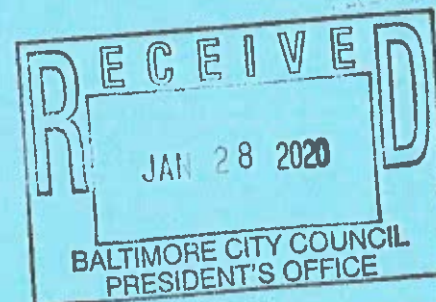
1 **Fair Election Fund – Establishment and Administration**

2 FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15
3 to provide public campaign financing for candidates for City elective office; regulating
4 certain campaign finance activity of a candidate for City elective office who voluntarily
5 accepts public campaign financing; providing for the powers and duties of the City Fair
6 Election Fund Commission; requiring that the Commission educate the citizens of Baltimore
7 on regarding the Fund and how to participate; requiring that the Commission perform certain
8 periodic reviews; establishing certain qualifications for applicants to receive public campaign
9 financing; establishing an application process; authorizing the Maryland State Board of
10 Elections to assist in the administration and enforcement of the public campaign financing
11 system; establishing certain Fund distribution requirements; providing for certain penalties
12 for violations of the public campaign financing system; defining certain terms; conforming
13 and correcting related provisions; generally relating to the administration of the Fair Election
14 Fund; and providing for special effective dates.

15 BY authority of
16 Article I - General Provisions
17 Section 15
18 Baltimore City Charter
19 (1996 Edition)

20 BY adding
21 Article 5 - Finance, Property, and Procurement
22 Section(s) 11-1 to 11-23, to be under the new subtitle,
23 “Subtitle 11. Fair Election Fund”
24 Baltimore City Code
25 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



Council Bill 19-0403

1 BY renumbering current
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Sections 40-14(e)(.5a) and 41-14(.5a) to Sections 40-14(e)(.5b) and 41-14(.5b)
4 Baltimore City Code
5 (Edition 2000)

6 BY adding
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section(s) 40-14(e)(.5a) and 41-14(.5a)
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 5. Finance, Property, and Procurement**

15 **Subtitle 11. FAIR ELECTION FUND**

16 ***PART 1. DEFINITIONS; FINDINGS***

17 **§ 11-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

20 (B) *APPLICANT CANDIDATE.*

21 "APPLICANT CANDIDATE" MEANS A CANDIDATE WHO IS SEEKING TO BE A CERTIFIED
22 CANDIDATE IN A PRIMARY OR GENERAL ELECTION.

23 (C) *CAMPAIGN FINANCE ENTITY.*

24 "CAMPAIGN FINANCE ENTITY" MEANS A POLITICAL COMMITTEE ESTABLISHED UNDER
25 TITLE 13 OF THE STATE ELECTION ARTICLE {"CAMPAIGN FINANCE"}.

26 (D) *CERTIFIED CANDIDATE.*

27 "CERTIFIED CANDIDATE" MEANS A CANDIDATE WHO IS CERTIFIED AS ELIGIBLE FOR PUBLIC
28 CAMPAIGN FINANCING FROM THE FUND.

29 (E) *COMMISSION.*

30 "COMMISSION" MEANS THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION.

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1 (F) *CONTESTED ELECTION.*

2 "CONTESTED ELECTION" MEANS ANY ELECTION IN WHICH THERE ARE MORE CANDIDATES
3 FOR AN OFFICE THAN THE NUMBER WHO CAN BE ELECTED TO THAT OFFICE.

4 (G) *CONTRIBUTION.*

5 "CONTRIBUTION" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
6 {"DEFINITIONS: CONTRIBUTION"}.

7 (H) *CITY BOARD.*

8 "CITY BOARD" MEANS THE BALTIMORE CITY BOARD OF ELECTIONS.

9 (I) *CITY RESIDENT.*

10 "CITY RESIDENT" MEANS A NATURAL PERSON WHO RESIDES IN BALTIMORE CITY.

11 (J) *DIRECTOR.*

12 "DIRECTOR" MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR'S DESIGNEE.

13 (K) *ELECTION CYCLE.*

14 "ELECTION CYCLE" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
15 {"DEFINITIONS: ELECTION CYCLE"}.

16 (L) *ELIGIBLE CONTRIBUTION.*

17 "ELIGIBLE CONTRIBUTION" MEANS AN AGGREGATE DONATION IN A 4-YEAR ELECTION
18 CYCLE FROM AN INDIVIDUAL, INCLUDING AN INDIVIDUAL WHO DOES NOT RESIDE IN THE
19 CITY, THAT DOES NOT EXCEED THE CONTRIBUTION LEVEL ESTABLISHED IN THIS SUBTITLE.

20 (M) *FUND.*

21 "FUND" MEANS THE BALTIMORE CITY FAIR ELECTION FUND.

22 (N) *PARTICIPATING CANDIDATE.*

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

25 (O) *PUBLIC CONTRIBUTION.*

26 "PUBLIC CONTRIBUTION" MEANS ANY MONEY DISBURSED FROM THE FUND TO A CERTIFIED
27 CANDIDATE.

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1 (P) *PUBLICLY FUNDED CAMPAIGN ACCOUNT.*

2 "PUBLICLY FUNDED CAMPAIGN ACCOUNT" MEANS A CAMPAIGN FINANCE ACCOUNT
3 ESTABLISHED BY A CANDIDATE FOR THE EXCLUSIVE PURPOSE OF RECEIVING ELIGIBLE
4 CONTRIBUTIONS AND SPENDING FUNDS IN ACCORDANCE WITH THIS SUBTITLE.

5 (Q) *QUALIFYING BOOST.*

6 "QUALIFYING BOOST" MEANS A ONE-TIME DISBURSEMENT FROM THE FUND TO
7 CANDIDATES FOR MAYOR OR COUNCIL PRESIDENT ON CERTIFICATION UNDER THIS
8 SUBTITLE.

9 (R) *QUALIFYING CONTRIBUTION.*

10 (1) *IN GENERAL.*

11 "QUALIFYING CONTRIBUTION" MEANS AN ELIGIBLE CONTRIBUTION IN SUPPORT OF AN
12 APPLICANT CANDIDATE THAT IS:

13 (I) MADE BY A CITY RESIDENT;

14 (II) MADE AFTER THE BEGINNING OF THE DESIGNATED QUALIFYING PERIOD, BUT NO
15 LATER THAN THE RESPECTIVE ELECTION; AND

16 (III) ACKNOWLEDGED BY RECEIPT THAT IDENTIFIES THE CONTRIBUTOR'S NAME AND
17 RESIDENTIAL ADDRESS AND SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A
18 DIGITAL SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

19 (2) *EXCLUSION.*

20 "QUALIFYING CONTRIBUTION" DOES NOT INCLUDE AN IN-KIND CONTRIBUTION OF
21 PROPERTY, GOODS, OR SERVICES.

22 (S) *QUALIFYING PERIOD.*

23 "QUALIFYING PERIOD" MEANS THE TIME BEGINNING ON JANUARY 1 FOLLOWING THE LAST
24 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS AND ENDING 45 DAYS BEFORE THE DATE
25 OF THE PRIMARY ELECTION.

26 (T) *SLATE.*

27 "SLATE" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
28 {"DEFINITIONS: SLATE"}.

29 (U) *STATE BOARD.*

30 "STATE BOARD" MEANS THE MARYLAND STATE BOARD OF ELECTIONS.

31 **§ 11-2. {RESERVED}**

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1 § 11-3. FINDINGS.

2 (A) *IN GENERAL.*

3 THE MAYOR AND CITY COUNCIL FIND AS FOLLOWS.

4 (B) *RESPONSIVE GOVERNMENT.*

5 LOCAL GOVERNMENT SHOULD BE RESPONSIVE AND SERVE THE NEEDS OF ALL BALTIMORE
6 CITY RESIDENTS EQUALLY WITHOUT REGARD TO THEIR WEALTH. PUBLIC OFFICIALS
7 SHOULD DISCHARGE THEIR DUTIES IN AN IMPARTIAL MANNER, FREE FROM BIAS CREATED
8 BY THEIR OWN FINANCIAL INTERESTS OR, IN THE CASE OF ELECTED OFFICIALS, THE
9 FINANCIAL INTERESTS OF THOSE THAT MAY HAVE SUPPORTED THEM DURING THEIR
10 ELECTORAL CAMPAIGNS.

11 (C) *ESCALATING COSTS OF ELECTORAL CAMPAIGNS.*

12 COSTS OF CONDUCTING ELECTORAL CAMPAIGNS HAVE INCREASED SIGNIFICANTLY IN
13 RECENT YEARS. MANY CANDIDATES ARE FORCED TO FINANCE THEIR CAMPAIGNS BY
14 SEEKING LARGE CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES WHO THEREBY GAIN
15 DISPROPORTIONATE INFLUENCE OVER GOVERNMENTAL DECISION ONCE THE CANDIDATE
16 HOLDS OFFICE. QUALIFIED CANDIDATES WITHOUT ACCESS TO PERSONAL WEALTH OR
17 WEALTHY DONOR NETWORKS ARE OFTEN DISSUADED FROM SEEKING PUBLIC OFFICE.
18 THOSE THAT DO RUN FIND IT DIFFICULT TO WIN WITH THEIR VOICES DROWNED OUT IN THE
19 MEDIA AND ON THE GROUND.

20 (D) *NEGATIVE PUBLIC PERCEPTION.*

21 PERCEPTION OF THE INAPPROPRIATE AND DISPROPORTIONATE INFLUENCE ON
22 GOVERNMENT BY THOSE MONIED DONORS WHO DOMINATE CAMPAIGN FINANCING HAS LED
23 TO DISILLUSIONMENT AMONG CITY RESIDENTS WHO HAVE FELT THAT THEIR VOICES ARE
24 NOT HEARD. THIS DISILLUSIONMENT HAS RESULTED IN DISENGAGEMENT FROM THE
25 POLITICAL PROCESS AND GOVERNMENT.

26 (E) *CITY POLICY.*

27 IT IS THE POLICY OF BALTIMORE CITY TO:

28 (1) DIMINISH THE PUBLIC PERCEPTION OF CORRUPTION AND BUILD PUBLIC FAITH AND
29 CONFIDENCE IN GOVERNMENTAL AND ELECTORAL PROCESSES;

30 (2) HELP REDUCE THE INFLUENCE OF LARGE INDIVIDUAL AND CORPORATE CAMPAIGN
31 CONTRIBUTIONS ON CITY GOVERNMENT AND ELIMINATE THE POTENTIAL FOR
32 PUBLIC CORRUPTION;

33 (3) REDUCE THE IMPACT OF WEALTH AS A DETERMINANT FOR WHETHER AN
34 INDIVIDUAL SEEKS TO PURSUE PUBLIC OFFICE;

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- 1 (4) ENABLE CITY RESIDENTS OF ALL RACES AND INCOME TO RUN FOR OFFICE BASED ON
2 THE STRENGTH OF THEIR IDEAS, SUPPORTED BY SMALL DONATIONS FROM THE
3 PUBLIC AND MATCHING FUNDS FROM THE FUND;
- 4 (5) PROVIDE PARTICIPATING CANDIDATES WITH SUFFICIENT RESOURCES IN ORDER TO
5 COMMUNICATE WITH VOTERS;
- 6 (6) FOSTER GREATER INVESTMENT AND MORE MEANINGFUL PUBLIC PARTICIPATION IN
7 THE POLITICAL PROCESS AMONG ALL BALTIMOREANS, REGARDLESS OF RACE,
8 GENDER, SOCIO-ECONOMIC STATUS, OR GEOGRAPHY;
- 9 (7) PRIORITIZE ACCOUNTABILITY AMONG ELECTED OFFICIALS TO THE CONSTITUENTS
10 WHO ELECT THEM RATHER THAN THOSE WHO FUND THEIR CAMPAIGNS;
- 11 (8) STRENGTHEN PUBLIC CONTROL OVER THE DIRECTION OF LOCAL GOVERNMENT;
12 AND
- 13 (9) STRENGTHEN DEMOCRACY IN THE CITY OF BALTIMORE.

14 **§ 11-4. {RESERVED}**

15 ***PART 2. FUND; COMMISSION***

16 **§ 11-5. FAIR ELECTION FUND ESTABLISHED.**

17 (A) *IN GENERAL.*

18 THERE IS A BALTIMORE CITY FAIR ELECTION FUND.

19 (B) *NATURE OF FUND.*

20 THE FUND IS A CONTINUING, NONLAPSING FUND ESTABLISHED UNDER THE AUTHORITY OF
21 CITY CHARTER ARTICLE I, § 15 {"SPECIAL FUND FOR FAIR ELECTIONS"}.

22 (C) *PURPOSES OF FUND.*

23 AS SET FORTH IN CITY CHARTER ARTICLE I, § 15(A)(2), THE PURPOSES OF THE FUND
24 INCLUDE:

- 25 (1) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET
26 CERTAIN QUALIFICATIONS;
- 27 (2) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS SEEKING TO
28 MAKE USE OF PUBLIC CAMPAIGN FUNDING;
- 29 (3) PUBLICIZING THE AVAILABILITY OF PUBLIC CAMPAIGN FUNDING; AND
- 30 (4) ADMINISTERING A PUBLIC CAMPAIGN FUNDING PROGRAM.

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1 (D) *CONTENTS OF FUND.*

2 THE FUND CONSISTS OF:

- 3 (1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;
- 4 (2) GRANTS OR DONATIONS MADE TO THE FUND;
- 5 (3) ANY UNSPENT MONEY REMAINING IN A CERTIFIED CANDIDATE'S PUBLICLY FUNDED
6 CAMPAIGN ACCOUNT AFTER THE CANDIDATE IS NO LONGER A CANDIDATE FOR
7 OFFICE;
- 8 (4) ANY PUBLIC CONTRIBUTION PLUS INTEREST RETURNED TO THE FUND BY A
9 PARTICIPATING CANDIDATE WHO WITHDRAWS FROM PARTICIPATION;
- 10 (5) INTEREST EARNED ON MONEY IN THE FUND; AND
- 11 (6) PROCEEDS FROM FEES AND FINES COLLECTED UNDER THIS SUBTITLE.

12 (E) *USES OF FUND.*

13 THE FUND MAY ONLY BE USED FOR THE PURPOSES SPECIFIED IN SUBSECTION (C) OF THIS
14 SECTION.

15 **§ 11-6. {RESERVED}**

16 **§ 11-7. FAIR ELECTION FUND COMMISSION.**

17 (A) *IN GENERAL.*

18 THERE IS A BALTIMORE CITY FAIR ELECTION FUND COMMISSION AS SPECIFIED IN CITY
19 CHARTER ARTICLE I, § 15(B).

20 (B) *STAFF.*

21 THE DEPARTMENT OF FINANCE MUST PROVIDE STAFF SUPPORT FOR THE COMMISSION TO:

- 22 (1) WORK WITH THE STATE BOARD TO ADMINISTER THE FUND AND TO PROVIDE
23 OVERSIGHT OF APPLICANT AND PARTICIPATING CANDIDATES; AND
- 24 (2) PROVIDE INFORMATION ABOUT THE FUND TO CANDIDATES AND THE PUBLIC.

25 **§ 11-8. FUND ADMINISTRATION; DUTIES OF THE COMMISSION.**

26 (A) *IN GENERAL.*

- 27 (1) ~~THE COMMISSION~~ THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MUST
28 ADMINISTER THE FUND AND ENSURE THAT THE FUNDS ARE DISPERSED IN AN
29 EQUITABLE BASIS.

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1 ~~(2) NO FUNDS MAY BE DISPERSED FROM THE FUND WITHOUT COMMISSION~~
2 ~~AUTHORIZATION.~~

3 (2) THE DIRECTOR MAY NOT DISPERSE ANY FUNDS FROM THE FUND WITHOUT PRIOR
4 COMMISSION CONSULTATION.

5 (B) *ANNUAL REPORT.*

6 ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSION MUST ISSUE A REPORT TO THE
7 MAYOR AND CITY COUNCIL CONTAINING:

8 (1) AN ESTIMATE OF THE FUNDS NECESSARY TO IMPLEMENT THE PUBLIC CAMPAIGN
9 FINANCE SYSTEM FOR THE FOLLOWING FISCAL YEAR;

10 (2) A RECOMMENDATION FOR AN APPROPRIATION TO THE FUND FOR THE FOLLOWING
11 FISCAL YEAR; AND

12 (3) IF NECESSARY, ANY RECOMMENDATIONS FOR DEDICATED SOURCES OF FUNDING.

13 (C) *MEETINGS.*

14 THE COMMISSION MUST MEET:

15 (1) AT LEAST ONCE EVERY 90 DAYS DURING THE 12 MONTHS PRECEDING A PRIMARY
16 ELECTION; AND

17 (2) AT LEAST TWICE A YEAR OTHERWISE.

18 **§ 11-9. RULES AND REGULATIONS.**

19 (A) *IN GENERAL.*

20 THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MUST ADOPT RULES AND
21 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING SPECIFYING:
22

23 (1) HOW AND WHEN RECEIPTS FOR QUALIFYING CONTRIBUTIONS FROM CONTRIBUTORS
24 MUST BE SUBMITTED TO THE STATE BOARD;

25 (2) THE DOCUMENTS THAT MUST BE FILED WITH THE STATE BOARD FOR
26 CERTIFICATION;

27 (3) WHEN DISBURSEMENTS FROM THE FUND ARE MADE TO A PARTICIPATING
28 CANDIDATE AND THE AMOUNTS DISBURSED;

29 ~~(4) THE ALLOWABLE USES OF MONEY IN A PUBLICLY FUNDED CAMPAIGN ACCOUNT;~~
30 ~~AND~~

31 (4) PROCEDURES FOR HANDLING IMPERMISSIBLE USES OF PUBLIC CONTRIBUTIONS; AND

32 (5) OTHER POLICIES NECESSARY TO IMPLEMENT THIS SUBTITLE.

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1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

4 § 11-10. *{RESERVED}*

5 ***PART 3. COMMUNITY ENGAGEMENT; POST-ELECTION REVIEWS***

6 § 11-11. **COMMUNITY EDUCATION AND ENGAGEMENT.**

7 (A) *IN GENERAL.*

8 AT LEAST 18 MONTHS PRIOR TO A GENERAL ELECTION, THE COMMISSION MUST CONDUCT
9 CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS AIMED AT ENSURING THAT
10 CANDIDATES AND VOTERS ARE INFORMED ON THE FUND AND HOW THEY MAY
11 PARTICIPATE.

12 (B) *ACTIVITIES.*

13 IN CONDUCTING THE CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS
14 REQUIRED UNDER THIS SECTION, THE COMMISSION MUST:

- 15 (1) CREATE AND DISTRIBUTE EDUCATION MATERIALS IN ENGLISH AND IN SPANISH
16 THAT RAISE AWARENESS ABOUT THE FUND AMONG VOTERS AND POTENTIAL
17 CANDIDATES;
- 18 (2) PROVIDE TRAINING TO CANDIDATES AND CAMPAIGNS REGARDING THE FUND AND
19 ANY APPLICABLE CAMPAIGN FINANCE LAWS AND REGULATIONS; AND
- 20 (3) WORK WITH COMMUNITY-BASED ORGANIZATIONS TO ENSURE EDUCATION
21 MATERIALS ARE RELEVANT AND ASSESSABLE TO MEMBERS OF COMMUNITIES THAT
22 HISTORICALLY HAVE BEEN MARGINALIZED FROM ELECTIONS AND CIVIC PROCESSES,
23 INCLUDING MAKING ANY NECESSARY TRANSLATIONS FOR BALTIMORE VOTERS.

24 § 11-12. **COMMISSION REVIEW.**

25 (A) *IN GENERAL.*

26 AFTER EACH GENERAL ELECTION FOR CITY OFFICE, THE COMMISSION MUST CONDUCT A
27 COMPREHENSIVE REVIEW OF THE FINANCING PROGRAM UNDER THIS SUBTITLE, INCLUDING:

- 28 (1) THE MAXIMUM AND MINIMUM DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR
29 CONTRIBUTIONS;
- 30 (2) THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS A
31 CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR CERTIFICATION AS A
32 PARTICIPATING CANDIDATE;

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1 (3) THE MAXIMUM AMOUNT OF DISBURSEMENTS A CANDIDATE MAY RECEIVE UNDER
2 THIS SUBTITLE;

3 (4) THE OVERALL SATISFACTION OF PARTICIPATING CANDIDATES AND THE PUBLIC
4 WITH THE PROGRAM;

5 (5) THE ANALYSIS, RECOMMENDATION AND CREATION OF A PLAN TO THE MAYOR AND
6 CITY COUNCIL TO REDUCE RACIAL, ETHNIC, SOCIO-ECONOMIC AND GEOGRAPHIC
7 DISPARITIES REGARDING ACCESS TO PUBLIC MATCHING FUNDS BY PARTICIPATING
8 CANDIDATES; AND

9 (6) OTHER MATTERS RELATING TO FINANCING OF CAMPAIGNS AS THE COMMISSION
10 DETERMINES ARE APPROPRIATE.

11 (B) *CRITERIA FOR REVIEW.*

12 IN CONDUCTING THE REVIEW UNDER THIS SECTION, THE COMMISSION MUST CONSIDER THE
13 FOLLOWING:

14 (1) WHETHER THE NUMBER AND DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR
15 CONTRIBUTIONS REQUIRED STRIKES AN APPROPRIATE BALANCE REGARDING:

16 (I) THE IMPORTANCE OF VOTER INVOLVEMENT; AND

17 (II) THE NEED TO ASSURE ADEQUATE INCENTIVES FOR PARTICIPATION AND
18 FISCAL RESPONSIBILITY, TAKING INTO CONSIDERATION THE NUMBER OF
19 PRIMARY AND GENERAL ELECTION PARTICIPATING CANDIDATES, THE
20 ELECTORAL PERFORMANCE OF THOSE CANDIDATES, PROGRAM COST, AND
21 ANY OTHER INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE;

22 (2) WHETHER THE TOTALITY OF THE AMOUNT OF FUNDS ALLOWED TO BE RAISED BY
23 PARTICIPATING CANDIDATES, INCLUDING THROUGH QUALIFIED SMALL DOLLAR
24 CONTRIBUTIONS, AND DISBURSEMENTS UNDER THIS SUBTITLE ARE SUFFICIENT FOR
25 VOTERS IN THE CITY TO LEARN ABOUT THE CANDIDATES TO CAST AN INFORMED
26 VOTE, TAKING INTO ACCOUNT THE HISTORIC AMOUNT OF SPENDING BY WINNING
27 CANDIDATES, MEDIA COSTS, PRIMARY ELECTION DATES, AND ANY OTHER
28 INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE; AND

29 (3) ANY OTHER MATTER RELATING TO PUBLIC CAMPAIGN FINANCING THAT THE
30 COMMISSION DETERMINES ARE NECESSARY AND APPROPRIATE FOR A THOROUGH
31 REVIEW.

32 (C) *RECOMMENDATIONS.*

33 BASED ON THE REVIEW CONDUCTED UNDER THIS SECTION, THE COMMISSION MAY
34 RECOMMEND TO THE MAYOR AND CITY COUNCIL:

35 (1) ADJUSTMENTS TO THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR
36 CONTRIBUTIONS A CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR
37 CERTIFICATION AS A PARTICIPATING CANDIDATE;

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1 (2) ADJUSTMENTS TO THE MAXIMUM AMOUNT OF DISBURSEMENTS THAT MAY BE
2 RECEIVED UNDER THIS SUBTITLE; OR

3 (3) ANY OTHER LEGISLATIVE CHANGE NECESSARY TO INCREASE CANDIDATE
4 PARTICIPATION, VOTER PARTICIPATION, OR BOTH.

5 (D) *COMMUNITY PARTICIPATION.*

6 THE COMMISSION MUST ENGAGE COMMUNITY MEMBERS AND COMMUNITY-BASED
7 ORGANIZATIONS IN THE REVIEW UNDER THIS SECTION TO DETERMINE WHETHER THE FUND
8 IS ACHIEVING ITS STATED PURPOSES OF FOSTERING GREATER PARTICIPATION IN THE
9 POLITICAL PROCESS.

10 § 11-13. {RESERVED}

11 *PART 4. CANDIDATE AND FUND PROCEDURES*

12 § 11-14. COLLECTING QUALIFYING CONTRIBUTIONS.

13 (A) *IN GENERAL.*

14 BEFORE RAISING ANY CONTRIBUTIONS UNDER THIS SUBTITLE, AN APPLICANT CANDIDATE
15 MUST:

16 (1) FILE A NOTICE OF INTENT WITH THE STATE BOARD IN THE MANNER THAT THE
17 STATE BOARD REQUIRES; AND

18 (2) ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT.

19 (B) *CONTRIBUTION LIMITS.*

20 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
21 APPLICANT CANDIDATE MAY NOT ACCEPT:

22 (I) AN ELIGIBLE CONTRIBUTION OF MORE THAN \$150 IN THE AGGREGATE DURING
23 AN ELECTION; OR

24 (II) A LOAN.

25 (2) AN APPLICANT CANDIDATE MAY LOAN OR CONTRIBUTE UP TO \$6,000 DURING AN
26 ELECTION CYCLE FROM:

27 (I) THE APPLICANT CANDIDATE; OR

28 (II) THE APPLICANT CANDIDATE'S SPOUSE.

29 (C) *CONSUMER PRICE INDEX ADJUSTMENT.*

30 (1) THE CONTRIBUTION LIMIT SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION MUST BE
31 ADJUSTED FOR THE NEXT ELECTION CYCLE ON JULY 1, 2028, AND JULY 1 OF EACH

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1 SUBSEQUENT FOURTH YEAR BY THE PERCENTAGE INCREASE IN THE BALTIMORE-
2 COLUMBIA-TOWSON CONSUMER PRICE INDEX, AS REPORTED BY THE UNITED STATES
3 DEPARTMENT OF LABOR, ROUNDED UP BY THE NEAREST MULTIPLE OF \$10.

4 (2) THE DIRECTOR MUST PUBLISH THIS ADJUSTED AMOUNT NO LATER THAN THE JANUARY
5 1 AFTER THE ADJUSTMENT IS MADE.

6 **§ 11-15. REQUIREMENTS FOR CERTIFICATION.**

7 (A) *APPLICATION.*

8 (1) A CANDIDATE MUST APPLY TO THE STATE BOARD FOR CERTIFICATION DURING THE
9 QUALIFYING PERIOD IN THE FORM THAT THE STATE BOARD REQUIRES.

10 (2) AN APPLICANT CANDIDATE MUST INCLUDE WITH THE APPLICATION ANY
11 DOCUMENTATION REQUIRED BY THE STATE OR, IN THE ABSENCE OF STATE
12 REQUIREMENTS, THE FOLLOWING:

13 (I) A DECLARATION FROM THE APPLICANT CANDIDATE TO FOLLOW THE
14 REQUIREMENTS GOVERNING THE USE OF A PUBLIC CONTRIBUTION;

15 (II) A CAMPAIGN FINANCE REPORT THAT CONTAINS THE INFORMATION THAT THE
16 STATE BOARD REQUIRES FOR A CAMPAIGN FINANCE REPORT AND THAT
17 INCLUDES:

18 (A) A LIST OF EACH QUALIFYING CONTRIBUTION RECEIVED;

19 (B) A LIST OF EACH EXPENDITURE MADE BY THE CANDIDATE DURING THE
20 QUALIFYING PERIOD;

21 (C) A COPY OF THE RECEIPT ASSOCIATED WITH EACH CONTRIBUTION THAT
22 IDENTIFIES THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS;
23 AND

24 (D) A COPY OF THE RECEIPT ASSOCIATED WITH EACH EXPENDITURE; AND

25 (III) A CERTIFICATE OF CANDIDACY FOR MAYOR, COUNCIL PRESIDENT,
26 COMPTROLLER, OR CITY COUNCILMEMBER.

27 (B) *QUALIFICATIONS.*

28 TO QUALIFY AS A CERTIFIED CANDIDATE:

29 (1) A CANDIDATE FOR MAYOR MUST COLLECT AT LEAST:

30 (I) 500 QUALIFYING CONTRIBUTIONS; AND

31 (II) AN AGGREGATE TOTAL OF \$40,000;

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1 (2) A CANDIDATE FOR COUNCIL PRESIDENT MUST COLLECT AT LEAST:

2 (I) 250 QUALIFYING CONTRIBUTIONS; AND

3 (II) AN AGGREGATE TOTAL OF \$15,000;

4 (3) A CANDIDATE FOR COMPTROLLER MUST COLLECT AT LEAST:

5 (I) ~~150~~ 250 QUALIFYING CONTRIBUTIONS; AND

6 (II) AN AGGREGATE TOTAL OF ~~\$5,000~~ \$15,000; AND

7 (4) A CANDIDATE FOR CITY COUNCILMEMBER MUST COLLECT AT LEAST:

8 (I) 150 QUALIFYING CONTRIBUTIONS; AND

9 (II) AN AGGREGATE TOTAL OF \$5,000.

10 (C) *CONTRIBUTIONS.*

11 (1) AN APPLICANT CANDIDATE MUST DEPOSIT ALL CONTRIBUTIONS INTO THE
12 CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

13 (2) AN APPLICANT CANDIDATE MUST DELIVER TO THE STATE BOARD A COPY OF A RECEIPT
14 FOR EACH QUALIFYING CONTRIBUTION THAT IDENTIFIES THE CONTRIBUTOR'S NAME
15 AND RESIDENTIAL ADDRESS THAT IS SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A
16 DIGITAL SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

17 (D) *INELIGIBILITY.*

18 AN APPLICANT CANDIDATE IS INELIGIBLE FOR CERTIFICATION IF THE ~~COMMISSION STATE~~
19 BOARD, IN CONSULTATION WITH THE ~~STATE BOARD~~ COMMISSION, HAS DETERMINED THAT
20 THE APPLICANT CANDIDATE HAS:

21 (1) FAILED TO SUBMIT A CAMPAIGN FINANCE REPORT IN THE 4 YEARS PRECEDING THE
22 ELECTION CYCLE;

23 (2) COORDINATED WITH A POLITICAL ACTION COMMITTEE; OR

24 (3) VIOLATED ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

25 **§ 11-16. CERTIFICATION DETERMINATION.**

26 (A) *IN GENERAL.*

27 (1) WITHIN 10 DAYS OF RECEIVING A COMPLETE APPLICATION FOR CERTIFICATION, THE
28 STATE BOARD MUST MAKE A ~~RECOMMENDATION TO THE COMMISSION~~
29 DETERMINATION, IN CONSULTATION WITH THE COMMISSION, WHETHER TO CERTIFY AN
30 APPLICANT CANDIDATE.

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1 ~~(2) WITHIN 5 DAYS OF RECEIVING THE STATE BOARD'S RECOMMENDATION, THE~~
2 ~~COMMISSION MUST CERTIFY OR DENY THE APPLICANT CANDIDATE.~~

3 (2) THE STATE BOARD MUST NOTIFY THE DIRECTOR AND THE COMMISSION OF THE STATE
4 BOARD'S DETERMINATION.

5 (B) *FINALITY OF DECISION.*

6 EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE DECISION BY THE
7 COMMISSION WHETHER TO CERTIFY A CANDIDATE IS FINAL.

8 ~~(C) COMMISSION TO AUTHORIZE.~~

9 ~~IF THE COMMISSION CERTIFIES A CANDIDATE, THE COMMISSION MUST AUTHORIZE THE~~
10 ~~DIRECTOR TO DISBURSE A PUBLIC CONTRIBUTION TO THE CANDIDATE'S PUBLICLY FUNDED~~
11 ~~CAMPAIGN ACCOUNT.~~

12 (C) APPLICANT CANDIDATE CERTIFICATION.

13 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON NOTICE OF THE STATE BOARD'S
14 CERTIFICATION OF AN APPLICANT CANDIDATE, THE DIRECTOR MUST DISPERSE THE
15 APPROPRIATE PUBLIC CONTRIBUTION UNDER § 11-17 {"DISTRIBUTION OF PUBLIC
16 CONTRIBUTION"} OF THIS SUBTITLE.

17 (2) THE DIRECTOR MAY NOT DISBURSE ANY PUBLIC FUNDS TO A CANDIDATE WITHOUT
18 FIRST CONSULTING WITH THE COMMISSION.

19 (D) *DENIAL OF APPLICATION.*

20 IF AN APPLICATION IS DENIED, THE APPLICANT CANDIDATE MAY RESUBMIT A NEW OR
21 MODIFIED APPLICATION ONE TIME WITHIN THE EARLIER OF:

22 (1) 10 BUSINESS DAYS AFTER RECEIVING NOTICE THAT ~~THE COMMISSION DENIED THE~~
23 APPLICATION WAS DENIED; OR

24 (2) THE END OF THE QUALIFYING PERIOD.

25 **§ 11-17. DISTRIBUTION OF PUBLIC CONTRIBUTION.**

26 (A) *IN GENERAL.*

27 ~~ON AUTHORIZATION BY THE COMMISSION ONLY AFTER CONSULTING WITH THE~~
28 COMMISSION, THE DIRECTOR MUST DISTRIBUTE A PUBLIC CONTRIBUTION FROM THE FUND
29 TO EACH CERTIFIED CANDIDATE IN A CONTESTED ELECTION ONLY DURING THE
30 DISTRIBUTION PERIOD AS FOLLOWS:

31 (1) FOR A CERTIFIED CANDIDATE FOR EITHER MAYOR ~~OR~~ COUNCIL PRESIDENT, OR
32 COMPTROLLER, THE MATCHING DOLLARS MUST EQUAL:

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1 (I) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
2 FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

3 (II) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
4 NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

5 (III) \$2 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
6 FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

7 (2) FOR A CERTIFIED CANDIDATE FOR ~~EITHER COMPTROLLER OR CITY~~
8 COUNCILMEMBER, THE MATCHING DOLLARS MUST EQUAL:

9 (I) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
10 FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

11 (II) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
12 NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

13 (III) \$0 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
14 FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

15 (B) *QUALIFYING BOOST.*

16 (1) *IN GENERAL.*

17 IN ADDITION TO ANY PUBLIC CONTRIBUTIONS MADE UNDER SUBSECTION (A)(1) OF THIS
18 SECTION, WITHIN 5 DAYS OF CERTIFICATION ~~BY THE COMMISSION~~, THE DIRECTOR
19 MUST DISBURSE FROM THE FUND A QUALIFYING BOOST OF:

20 (I) \$200,000 FOR A CANDIDATE FOR MAYOR; AND

21 (II) \$50,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT OR A CANDIDATE FOR
22 COMPTROLLER.

23 (2) *MULTIPLE BOOSTS PROHIBITED.*

24 A CANDIDATE MAY NOT RECEIVE MORE THAN 1 QUALIFYING BOOST DURING AN
25 ELECTION CYCLE.

26 (C) *MAXIMUM PUBLIC CONTRIBUTION.*

27 (1) *IN GENERAL.*

28 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL PUBLIC
29 CONTRIBUTION PAYABLE TO A CERTIFIED CANDIDATE FOR EITHER A PRIMARY OR A
30 GENERAL ELECTION MAY NOT EXCEED:

31 (I) \$1,500,000 FOR A CANDIDATE FOR MAYOR;

32 (II) \$375,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT;

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1 (III) \$200,000 FOR A CANDIDATE FOR COMPTROLLER; AND

2 (IV) \$125,000 FOR A CANDIDATE FOR CITY COUNCILMEMBER.

3 (2) *EXCLUSION.*

4 THE LIMITS SPECIFIED IN THIS SUBSECTION DO NOT INCLUDE THE QUALIFYING BOOST
5 RECEIVED BY A CANDIDATE FOR MAYOR OR COUNCIL PRESIDENT.

6 (D) *PROHIBITED PUBLIC CONTRIBUTIONS.*

7 THE DIRECTOR MAY NOT DISTRIBUTE A PUBLIC CONTRIBUTION BASED ON:

8 (1) A CONTRIBUTION OR LOAN FROM THE CANDIDATE OR THE CANDIDATE'S SPOUSE;
9 OR

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

11 (E) *FUND INSUFFICIENCY.*

12 (1) ON OR BEFORE JULY 1 OF EACH YEAR PRECEDING A PRIMARY ELECTION, THE
13 DIRECTOR MUST DETERMINE IF THE AMOUNT IN THE FUND IS SUFFICIENT TO MEET THE
14 MAXIMUM PUBLIC CONTRIBUTIONS AND QUALIFYING BOOSTS REASONABLY EXPECTED
15 TO BE REQUIRED DURING THE NEXT ELECTION CYCLE.

16 (2) IF THE DIRECTOR DETERMINES THAT THE TOTAL AMOUNT AVAILABLE FOR
17 DISTRIBUTION IN THE FUND IS INSUFFICIENT TO MEET THE ALLOCATIONS REQUIRED BY
18 THIS SECTION, THE DIRECTOR MUST REDUCE EACH PUBLIC CONTRIBUTION AND
19 QUALIFYING BOOST TO A CERTIFIED CANDIDATE BY THE SAME PERCENTAGE OF THE
20 TOTAL PUBLIC CONTRIBUTION.

21 (F) *DISBURSEMENTS AFTER THE PRIMARY ELECTION.*

22 WITHIN 3 BUSINESS DAYS OF THE PRIMARY ELECTION, ~~THE COMMISSION MUST AUTHORIZE~~
23 ~~THE DIRECTOR TO~~ MUST CONTINUE TO DISBURSE THE APPROPRIATE PUBLIC CONTRIBUTION
24 FOR THE GENERAL ELECTION TO EACH PARTICIPATING CANDIDATE.

25 (G) *RETURN OF UNSPENT FUNDS.*

26 (1) *PRIMARY ELECTION CANDIDATES.*

27 WITHIN 30 DAYS OF THE CERTIFICATION BY THE CITY BOARD OF THE RESULTS OF THE
28 PRIMARY ELECTION, A PARTICIPATING CANDIDATE WHO IS NOT CERTIFIED TO BE ON
29 THE BALLOT FOR THE GENERAL ELECTION MUST RETURN TO THE FUND ANY UNSPENT
30 MONEY IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

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1 (2) *GENERAL ELECTION CANDIDATES.*

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

5 (H) *PETITION-NOMINATED AND NON-PRINCIPAL POLITICAL PARTY CANDIDATES.*

6 (1) IN THIS SUBSECTION, "PRINCIPAL POLITICAL PARTY" HAS THE MEANING STATED IN
7 STATE ELECTION LAW ARTICLE, § 1-101 {"DEFINITIONS: PRINCIPAL POLITICAL
8 PARTIES"}.

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
11 ELECTION IF THE CANDIDATE'S NOMINATION IS CERTIFIED BY THE CITY BOARD.

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

14 **§ 11-18. USE OF PUBLIC CONTRIBUTION.**

15 (A) *IN GENERAL.*

16 A PARTICIPATING CANDIDATE MAY ONLY MAKE EXPENDITURES FROM THE PUBLICLY
17 FUNDED CAMPAIGN ACCOUNT REGISTERED WITH THE STATE BOARD FOR EXPENSES
18 INCURRED DIRECTLY FOR THE ELECTION ~~ONCE AFTER~~ THE CANDIDATE IS CERTIFIED ~~BY THE~~
19 COMMISSION.

20 (B) *PREVIOUS EXPENSES OR LOANS.*

21 A PARTICIPATING CANDIDATE MAY NOT USE ANY PORTION OF A PUBLIC CONTRIBUTION TO
22 PAY FOR EXPENSES OR LOANS INCURRED PRIOR TO BEING CERTIFIED ~~BY THE COMMISSION.~~

23 (C) *ADVANCE PAYMENT.*

24 A PARTICIPATING CANDIDATE MAY NOT PAY IN ADVANCE FOR GOODS AND SERVICES TO BE
25 USED AFTER CERTIFICATION WITH NON-QUALIFYING CONTRIBUTIONS RECEIVED BEFORE
26 APPLYING FOR CERTIFICATION.

27 (D) *REDUCTION OF PUBLIC CONTRIBUTION.*

28 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DIRECTOR MUST
29 REDUCE THE PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE'S PUBLICLY
30 FUNDED CAMPAIGN ACCOUNT BY THE TOTAL AMOUNT OF ALL EXPENDITURES MADE
31 AFTER THE END OF THE PREVIOUS ELECTION CYCLE FROM THE CANDIDATE'S NON-
32 PARTICIPATING CAMPAIGN ACCOUNT.

33 (2) EXPENDITURES MADE WITH CONTRIBUTIONS RECEIVED PRIOR TO THE END OF THE
34 PREVIOUS ELECTION CYCLE TOWARDS DEBTS ACCRUED BEFORE THE END OF THE

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1 PREVIOUS ELECTION CYCLE MAY NOT REDUCE THE PUBLIC CONTRIBUTION TO A
2 PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

3 (E) ADDITIONAL LIMITATIONS STANDARDS.

4 ~~THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MAY FURTHER LIMIT USE OF~~
5 ~~PUBLIC CONTRIBUTIONS IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.~~

6 (1) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION FOR:

7 (I) PERSONAL EXPENSES;

8 (II) EXPENSES RELATED TO HOLDING PUBLIC OFFICE;

9 (III) PAYING FOR A PERSONAL ENDORSEMENT; OR

10 (IV) PAYING FOR LATE FILING FEES.

11 (2) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION TO :

12 (I) CONTRIBUTE TO CURRENT OR FUTURE CANDIDATES FOR ELECTIVE OFFICES
13 OTHER THAN THE ONE BEING SOUGHT BY THE PARTICIPATING CANDIDATE; OR

14 (II) CONTRIBUTE TO ANY ENTITY OR ORGANIZATION, SUCH AS A POLITICAL PARTY.

15 (3) THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, SHALL DETERMINE
16 WHETHER AN EXPENSE IS A PERMISSIBLE USE OF A PUBLIC CONTRIBUTION, AND THE
17 DIRECTOR'S DETERMINATION IS FINAL.

18 (F) ALLEGATIONS OF A PROHIBITED ACT.

19 A COMPLAINT ALLEGING A PROHIBITED RECEIPT OR USE OF FUNDS BY A PARTICIPATING
20 CANDIDATE MUST BE FILED WITH THE STATE BOARD.

21 (G) ACCESS TO RECORDS.

22 (1) ON REQUEST BY THE COMMISSION, A PARTICIPATING CANDIDATE MUST PROVIDE THE
23 COMMISSION WITH REASONABLE ACCESS TO THE FINANCIAL RECORDS OF THE
24 CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

25 (2) A PARTICIPATING CANDIDATE MUST KEEP ALL RECORDS FOR A PERIOD OF 4 YEARS
26 AFTER THE ELECTION TO WHICH THE DOCUMENTS RELATE.

27 (3) THE RECORDS MUST BE RETAINED BY THE CAMPAIGN TREASURER UNLESS THE STATE
28 BOARD HAS BEEN NOTIFIED OTHERWISE.

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1 § 11-19. WITHDRAWAL.

2 (A) *CERTIFIED CANDIDATES.*

3 A CERTIFIED CANDIDATE MAY WITHDRAW AN APPLICATION FOR A PUBLIC CONTRIBUTION
4 ANY TIME BEFORE THE PUBLIC CONTRIBUTION IS RECEIVED BY THE CANDIDATE'S
5 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

6 (B) *PARTICIPATING CANDIDATES.*

7 A PARTICIPATING CANDIDATE MAY WITHDRAW FROM PARTICIPATING IF THE CANDIDATE:

8 (1) FILES A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD AND THE
9 COMMISSION ON A FORM THAT THE STATE BOARD REQUIRES; AND

10 (2) REPAYS TO THE FUND THE FULL AMOUNT OF ANY PUBLIC CONTRIBUTION
11 RECEIVED, PLUS INTEREST ACCRUING FROM THE DATE OF WITHDRAWAL AT THE
12 SAME RATE AS THE CURRENT BANK PRIME LOAN RATE REPORTED BY THE BOARD
13 OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

14 (C) *PERSONAL LIABILITY.*

15 IF THE FUNDS REMAINING IN THE PARTICIPATING CANDIDATE'S PUBLICLY FUNDED
16 CAMPAIGN ACCOUNT AT THE TIME OF WITHDRAWAL ARE INSUFFICIENT TO REPAY THE
17 FUND UNDER SUBSECTION (B) OF THIS SECTION, THE CANDIDATE IS PERSONALLY LIABLE
18 FOR REPAYMENT.

19 (D) *REDUCED REPAYMENT.*

20 (1) ~~THE COMMISSION~~ THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MAY
21 REDUCE ANY REPAYMENT UNDER SUBSECTION (B) OF THIS SECTION FOR A
22 PARTICIPATING CANDIDATE WHO MUST WITHDRAW FOR HEALTH REASONS OR OTHER
23 CAUSE NOT WITHIN THE CANDIDATE'S CONTROL.

24 (2) IN CONSIDERING A REPAYMENT REDUCTION UNDER THIS SUBSECTION, THE
25 ~~COMMISSION~~ DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MAY CONSIDER
26 THE PARTICIPATING CANDIDATE'S PERSONAL FINANCIAL HARDSHIP.

27 § 11-20. *{RESERVED}*

28 *PART 5. RESTRICTIONS; ENFORCEMENT*

29 § 11-21. APPLICANT AND PARTICIPATING CANDIDATE RESTRICTIONS.

30 (A) *IN GENERAL.*

31 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT CANDIDATE OR
32 A PARTICIPATING CANDIDATE MAY NOT:

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- 1 (1) ACCEPT A PRIVATE CONTRIBUTION FROM ANY GROUP OR ORGANIZATION,
2 INCLUDING A POLITICAL ACTION COMMITTEE, A CORPORATION, A LABOR
3 ORGANIZATION, OR A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL
4 PARTY;
- 5 (2) ACCEPT PRIVATE CONTRIBUTIONS FROM AN INDIVIDUAL IN AN AGGREGATE
6 GREATER THAN \$150 DURING AN ELECTION, OR THE MAXIMUM AMOUNT OF AN
7 ELIGIBLE CONTRIBUTION, AS ADJUSTED BY §11-14(C) OF THIS SUBTITLE;
- 8 (3) AFTER FILING A NOTICE OF INTENT WITH THE STATE BOARD TO SEEK PUBLIC
9 FINANCING, PAY FOR ANY CAMPAIGN EXPENSE WITH ANY CAMPAIGN FINANCE
10 ACCOUNT OTHER THAN THE CANDIDATES' PUBLICLY FUNDED CAMPAIGN ACCOUNT;
- 11 (4) BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE RECEIVES A
12 PUBLIC CONTRIBUTION; OR
- 13 (5) TRANSFER MONEY:
- 14 (I) TO THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT FROM ANY
15 OTHER CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; OR
- 16 (II) FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT TO ANY
17 OTHER CAMPAIGN FINANCE ENTITY.

18 (B) *AFFILIATION.*

19 PURSUANT TO COMAR 33.13.14, A CANDIDATE WHO ACCEPTS A PUBLIC CONTRIBUTION
20 MAY AFFILIATE WITH ANY OTHER CANDIDATES, INCLUDING NON-PUBLICLY FINANCED
21 CANDIDATES, ON CAMPAIGN MATERIAL IF:

- 22 (1) THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE MAKES A DIRECT
23 DISBURSEMENT TO THE PAYEE FOR ITS SHARE OF THE COSTS OF THE CAMPAIGN
24 MATERIAL; AND
- 25 (2) THE CAMPAIGN MATERIAL DISPLAYS THE AUTHORITY LINE OF THE AUTHORIZED
26 CANDIDATE CAMPAIGN COMMITTEE.

27 **§ 11-22. {RESERVED}**

28 **§ 11-23. ENFORCEMENT BY CITATION.**

29 (A) *IN GENERAL.*

30 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
31 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

- 32 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
33 {"ENVIRONMENTAL CONTROL BOARD"}; OR

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1 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
2 CITATIONS"}.

3 (B) *PROCESS NOT EXCLUSIVE.*

4 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
5 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

6 (C) *EACH DAY A SEPARATE OFFENSE.*

7 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

8 **Article 1. Mayor, City Council, and Municipal Agencies**

9 **Subtitle 40. Environmental Control Board**

10 **§ 40-14. Violations to which subtitle applies.**

11 (e) *Provisions and penalties enumerated.*

12 (.5A) *ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT*

13 SUBTITLE 11. FAIR ELECTION FUND \$500

14 (.5B) [(5a)] *Article 7. Natural Resources*

15 Division I. Floodplain Management \$500

16 **Subtitle 41. Civil Citations**

17 **§ 41-14. Offenses to which subtitle applies – Listing.**

18 (.5A) *ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT*

19 SUBTITLE 11. FAIR ELECTION FUND \$500

20 (.5B) [(5a)] *Article 7. Natural Resources*

21 Division I. Floodplain Management \$500

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
23 are not law and may not be considered to have been enacted as part of this or any prior
24 Ordinance.

25 ~~**SECTION 3. AND BE IT FURTHER ORDAINED,** That the Department of Public Works must~~
26 ~~develop and implement a mechanism to allow for donations to the Fund to be made with~~
27 ~~payment of water bills.~~


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1 SECTION 43. AND BE IT FURTHER ORDAINED, That City Code Article 5, Subtitle 11, Parts 1
2 and 2, defining certain terms and establishing the Fair Election Fund and the Fair Election Fund
3 Commission, as enacted by this Ordinance, take effect on the date of enactment of this
4 Ordinance.

5 SECTION 5. ~~AND BE IT FURTHER ORDAINED, That Section 3 of this Ordinance takes effect on~~
6 ~~the date of the enactment of this Ordinance.~~

7 SECTION 64. AND BE IT FURTHER ORDAINED, That except as provided by Sections 4 and 5
8 Section 3 of this Ordinance, this Ordinance takes effect on January 1, 2021.

Certified as duly passed this _____ day of DEC 02 2019, 20____



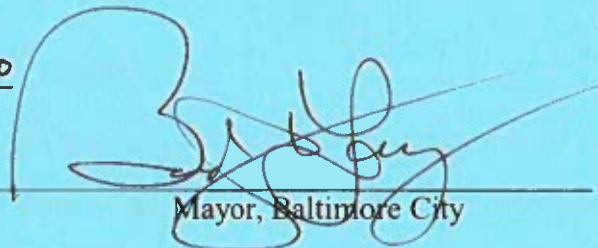
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of DEC 02 2019, 20____




Chief Clerk

Approved this 23rd day of Jan, 2020

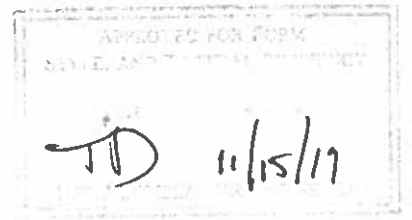


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 12th Day of December 2019


Chief Solicitor

AMENDMENTS TO COUNCIL BILL 19-0403
(1st Reader Copy)



By: Judiciary Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 8, in line 1, before “**DUTIES**”, insert “**FUND ADMINISTRATION;**”; and, on that same page, in line 3, strike “**THE COMMISSION**” and substitute “**THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION,**”; on that same page, strike lines 5 and 6 in their entireties and substitute:

“(2) **THE DIRECTOR MAY NOT DISPERSE ANY FUNDS FROM THE FUND WITHOUT PRIOR COMMISSION CONSULTATION.**”.

Amendment No. 2

On page 9, strike lines 1 and 2 in their entireties, and substitute:

“(4) **PROCEDURES FOR HANDLING IMPERMISSIBLE USES OF PUBLIC CONTRIBUTIONS; AND**”.

Amendment No. 3

On page 9, in line 18, after “**MATERIALS**”, insert “**IN ENGLISH AND IN SPANISH**”.

Amendment No. 4

On page 13, in line 16, strike “150” and substitute “250”; and, on that same page, in line 17, strike “\$5,000” and substitute “\$15,000”; and, on page 15, in line 6, strike “OR” and substitute with a comma; and, in that same line, before “THE”, insert “**OR COMPTROLLER,**”; and, on that same page, in line 14, strike “EITHER COMPTROLLER OR”; and, on that same page, in line 28, after “PRESIDENT”, insert “**OR A CANDIDATE FOR COMPTROLLER**”.

ADOPTED

Amendment No. 5

On page 14, in line 2, strike “COMMISSION” and substitute “STATE BOARD”; and, on that same page, in line 3, strike “STATE BOARD” and substitute “COMMISSION”; and, on that same page, in line 12, strike “RECOMMENDATION TO THE COMMISSION” and substitute “DETERMINATION, IN CONSULTATION WITH THE COMMISSION,”; and, on that same page, strike lines 14 and 15 in their entirety and substitute:

“(2) THE STATE BOARD MUST NOTIFY THE DIRECTOR AND THE COMMISSION OF THE STATE BOARD’S DETERMINATION.”;

and, on that same page, strike lines 19 through 22 in their entirety and substitute:

“(C) APPLICANT CANDIDATE CERTIFICATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON NOTICE OF THE STATE BOARD’S CERTIFICATION OF AN APPLICANT CANDIDATE, THE DIRECTOR MUST DISPERSE THE APPROPRIATE PUBLIC CONTRIBUTION UNDER § 11-17 {“DISTRIBUTION OF PUBLIC CONTRIBUTION”} OF THIS SUBTITLE.

(2) THE DIRECTOR MAY NOT DISBURSE ANY PUBLIC FUNDS TO A CANDIDATE WITHOUT FIRST CONSULTING WITH THE COMMISSION.”;

and, on that same page, in line 26, strike “THE COMMISSION DENIED”; and, on that same page, in line 27, after “APPLICATION”, insert “WAS DENIED”.

Amendment No. 6

On page 15, in line 3, strike “ON AUTHORIZATION BY THE COMMISSION” and substitute “ONLY AFTER CONSULTING WITH THE COMMISSION”; and, on that same page, in line 25, strike “BY THE COMMISSION”; and, on page 17, in line 2, strike “THE COMMISSION MUST AUTHORIZE”; and, on that same page, in line 3, strike “TO” and substitute “MUST”; and, on that same page, in lines 28 and 31, in each instance, strike “BY THE COMMISSION”.

Amendment No. 7

On page 17, in line 28, after “INCURRED”, insert “DIRECTLY FOR THE ELECTION”; in that same line, strike “ONCE” and substitute “AFTER”.

Amendment No. 8

On page 18, in line 15, strike "*LIMITATIONS*" and substitute "*STANDARDS*"; and, on that same page, strike lines 16 and 17 in their entireties and substitute:

“(1) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION FOR:

(I) PERSONAL EXPENSES;

(II) EXPENSES RELATED TO HOLDING PUBLIC OFFICE;

(III) PAYING FOR A PERSONAL ENDORSEMENT; OR

(IV) PAYING FOR LATE FILING FEES.

(2) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION TO :

(I) CONTRIBUTE TO CURRENT OR FUTURE CANDIDATES FOR ELECTIVE OFFICES
OTHER THAN THE ONE BEING SOUGHT BY THE PARTICIPATING CANDIDATE; OR

(II) CONTRIBUTE TO ANY ENTITY OR ORGANIZATION, SUCH AS A POLITICAL PARTY.

(3) THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, SHALL DETERMINE
WHETHER AN EXPENSE IS A PERMISSIBLE USE OF A PUBLIC CONTRIBUTION, AND THE
DIRECTOR’S DETERMINATION IS FINAL.”.

Amendment No. 9

On page 19, in line 20, strike “THE COMMISSION” and substitute “THE DIRECTOR, IN
CONSULTATION WITH THE COMMISSION,”; and, on that same page, in line 24, strike
“COMMISSION” and substitute “DIRECTOR, IN CONSULTATION WITH THE COMMISSION,”.

Amendment No. 10

On page 22, strike lines 4 through 6 in their entireties; and, on that same page, in line 7, strike
“4” and substitute “3”; and, on that same page, strike lines 11 and 12 in their entireties; and,
on that same page, in line 13, strike “6” and substitute “4”; and, in that same line, strike
“Sections 4 and 5” and substitute “Section 3”.



**BALTIMORE CITY COUNCIL
JUDICIARY COMMITTEE
VOTING RECORD**

BILL#: CC-19-0403

DATE: 11/5/19

TITLE: Fair Election Fund - Establishment and Administration

MOTION BY: Clarke SECONDED BY: Reisinger

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

CHAIRPERSON: E.V. CAT

COMMITTEE STAFF: Matthew L. Peters, Initials: MLP



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RUAAC

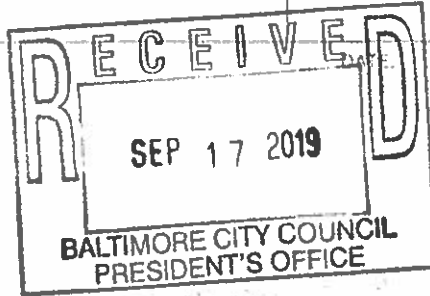
C

FROM	NAME & TITLE	Robert Cenname, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0403 – Fair Election Fund – Establishment and Administration		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

Position: Oppose



September 16, 2019

This proposed bill establishes the Fair Election Fund via the City Charter to provide public campaign financing for candidates for City elective office, for an associated Commission to govern the Fund staffed by the Department of Finance, and the funding mechanism of said Fund. Furthermore, the bill establishes policies and procedures related to Fund participation, distribution, and administration.

Background

In 2018, the City Council proposed a Charter Amendment bill, City Council Bill 18-0229, with the intent of changing the Charter to add a new Fair Election Fund. This bill passed and was ultimately approved by the voters in the general election in 2018.

The Fair Election Charter Amendment included a provision for new revenue to be dedicated to the Fund directly by Ordinance. There are two other newly-created Funds, one for Affordable Housing and one for Equity, that also include this provision. This is a break from long-standing precedent in which funds can only be appropriated for a specific purpose via the City's annual budget, the Ordinance of Estimates.

Based on these issues, Finance opposed the enabling legislation for the Fair Election Fund. One of the hallmarks of sound financial management is to provide flexibility to City leaders to adjust to ever-changing needs, priorities, and economic conditions. Establishing funds with an option for dedicated revenue sources undermines sound financial management, reduces fiscal flexibility, and puts core services at risk. In addition, the structure of the Fund prevents unspent monies from reverting to General Funds to address other critical priorities.

The current bill that is being considered, City Council Bill 19-0403, establishes the policies and procedures for the Fund, and is a follow-up to the original enabling legislation. The bill does not propose a revenue source for the newly proposed requirements.

Fiscal Impact

City Council Bill 19-0403 would establish a new Commission for Fair Elections with certain administrative responsibilities. The Department of Finance estimates that \$415,738 will be necessary to implement the Commission and fund administrative responsibilities in the first year, and \$340,738 annually ongoing. In the first year, funds will be required to ensure the technology requirements for the State Board of Elections' Maryland Campaign Reporting Information System (MDCRIS) are met. The estimated \$75,000 reserved for this purpose is expected to be a one-time cost. The remaining costs that support personnel

Opposed



[Faint, illegible text or markings in the upper center of the page.]

and activities such as materials, supplies, and equipment are reoccurring for a total sum of \$340,738. These funds will support staff and fulfill the administrative, reporting, outreach, and education requirements. Additionally, the Bureau of Accounting and Payroll will contribute to account management, but this work can be absorbed within existing resources without the need for additional funds. Table 1 contains an itemization of the estimated first-year funding:

Fair Election Fund - Itemized Costs	
Salary and Wages	\$ 196,949
<i>Operations Manager I</i>	\$ 113,092
<i>Program Analyst</i>	\$ 83,857
Other Personnel Costs	\$ 78,789
Contractual Services	\$ 125,000
<i>SBE Technology Requirements</i>	\$ 75,000
<i>Other Contractual Services</i>	\$ 50,000
Materials and Supplies	\$ 10,000
Equipment	\$ 5,000
Total	\$ 415,738

Table 1

Other Considerations

There are some key differences between how this Fund would function compared to another Maryland jurisdiction with a similar fund in Montgomery County. Although there is a maximum public contribution limit that excludes qualifying boosts, the program outlined in the bill confers a more generous matching contribution than Montgomery County's program. For example, a Baltimore City Mayoral candidate can expect to receive \$625 in matching funds for the maximum \$150 contribution compared to a Montgomery County Executive candidate who would receive \$600.

For context, Montgomery County, Maryland recorded expenditures of approximately \$5.2 million from their public election fund with 22 eligible candidates in the last election in 2018. Montgomery County's program includes higher qualification thresholds for candidate certification and no provision for qualifying boost contributions. There are provisions in City Council Bill 19-0403 to scale back the public contributions based on funding availability in the Fund.



From a policy perspective, several studies have found that publicly funding elections provides numerous benefits. They range from anti-corruption and more competitive elections to increased diversity in candidates and increased engagement from those contributing \$200 or less.

Conclusion

The Department of Finance appreciates the goal of City Council Bill 19-0403, which is to increase accountability and transparency in local elections, and to encourage candidates with the support of small donors.

However, implementing a reasonably effective program will require significant investments into the Fund and will reduce the City's flexibility to address future fiscal challenges and core service needs. The General Fund, and ultimately the City's taxpayers (if a new revenue source is eventually proposed), cannot bear the burden of such a significant new program.





In addition, this bill adds new administrative burdens onto the Department of Finance, which is only equipped to handle the accounting functions that are described in the bill. The requirements for vetting and tracking eligibility for eligible candidates is best handled by an agency, such as the Board of Elections, that is more closely involved in the day-to-day management and preparation for elections.

For the reasons stated above, the Department of Finance opposes City Council Bill 19-0403.

cc: Henry Raymond
Matthew Stegman
Nina Themelis



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CITY OF BALTIMORE

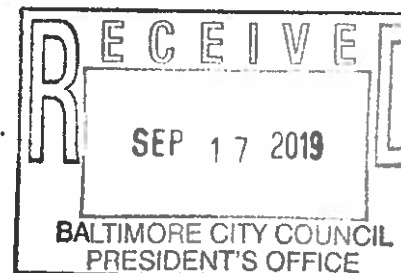
BERNARD C. "JACK" YOUNG,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 16, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0403- Fair Election Fund – Establishment and Administration

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 19-0403 for form and legal sufficiency. The bill establishes the Fair Election Fund authorized by City Charter Article I, § 1, provides for public campaign financing for candidates for City elective office; regulates certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing. The bill established the City Fair Election Fund Commission, provides for its powers and duties and requires that the Commission educate the citizens of Baltimore regarding the Fund and how to participate. The bill also requires that the Commission perform certain periodic reviews and that it establish certain qualifications for applicants to receive public campaign financing. It also must establish an application process. In addition, the bill authorizes the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system. The bill requires that the Fund distribution follow certain requirements and provides for certain penalties for violations of the public campaign financing system.

As noted in the bill, the establishment of the special fund is authorized by Art. I, Sec. 15 of the Charter. The bill must therefore comply with the authorizing language of the Charter. In addition, however, the City Council is authorized to legislate in the area of campaign financing by virtue of State law found in the Md. Ann. Code, Election Art., Sec. 13-505.

Section 13-505 provides generally for the creation of a county system of public financing for elective office. Several important requirements include that the governing body of a county shall specify the criteria that is to be used to determine whether an individual is eligible for public campaign financing. Sec 13-505(a). Furthermore, State law requires that any such local election financing system

(1) shall provide for participation of candidates in public campaign financing on a strictly voluntary basis;

City Council Bill 19-0403

Fav w/ Amends



September 16, 2019
Page 2

(2) may not regulate candidates who choose not to participate in public campaign financing;

(3) shall prohibit the use of public campaign financing for any campaign except a campaign for county elective office;

(4) shall require a candidate who accepts public campaign financing to:

(i) establish a campaign finance entity solely for the campaign for county elective office;
and

(ii) use funds from that campaign finance entity only for the campaign for county elective office. Sec. 13-505(b)

The bill also requires that any public election fund shall be administered by the Chief Financial Officer of the county and be subject to regulation by the State Board to ensure conformity with State law and policy to the extent practicable. Sec. 13-505(b).

The Charter provision in Art. I, Sec. 15 requires that the fund be administered by the Fair Election Fund Commission. This is in violation of the State enabling legislation but can be cured by making sure the ordinance provides for the appropriate authority to vest in the Director of Finance. It is noteworthy that this bill is modeled after the Montgomery County law. That law, however, does not cast the Commission in such a prominent role. Most likely because the enabling legislation does not authorize such a delegation of authority.

There are several other areas of concern. Sec. 11-7 (B)(2) calls for the Department of Finance to provide information about the Fund to candidates and the public, Sec. 11-11, however, requires the Commission to provide similar education about the Fund. This seems duplicative. Next, Sec. 11-8 provides that the Commission shall administer the Fund. This is in conflict with the State enabling law. Section 11-12 should be in consultation with the Department of Finance. Department of Finance should review prior to submission of reviews to the City Council. Similarly, in Sec. 11-16, the Commission can recommend certification or not to the Director and the Director can make appropriate disbursements but the Commission can not "authorize the Director to do so. The same issue is present in Se. 11-17(A) and (B) and (F). Sec. 11-18 (A) and (B) should also be modified to reflect the administrative authority of the Director of Finance. In Sec. 11-18(E), the authorization to further limit use of public contributions in rules and regulations would be an unlawful delegation of legislative authority. Finally, in Sec. 11-19(B) and (D), the language should be amended to recognize the Director of Finance's authority.

Based on the foregoing, the City Council should amend the Bill as discussed above. Provided the bill is amended to address those issues., the Law Department could approve the bill for form and legal sufficiency.

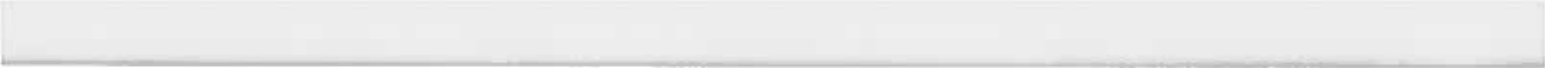



Sincerely,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Mayor's Office of Government Relations
Caylin Young, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor
Elena R. DiPietro
Avery Aisenstark



FROM	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13 th Floor, Baltimore, Maryland 21201		
	SUBJECT	City Council Bill # 19-0403 Fair Election Fund		

DATE:

TO

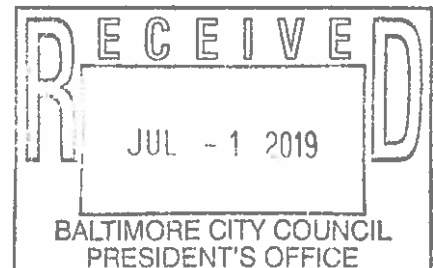
The Honorable President and Members
of the Baltimore City Council

June 26, 2019

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 19-0403, Fair Election Fund. The purpose of the bills is to provide public campaign financing for candidates for City elective office, regulate certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing, provide for the powers and duties of the City Fair Election Fund Commission, require that the Commission educate the citizens of Baltimore regarding the Fund and how to participate, require that the Commission perform certain periodic reviews, establish certain qualifications for applicants to receive public campaign financing, establish an application process, authorize the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system, establish certain Fund distribution requirements, provide for certain penalties for violations of the public campaign financing system, define certain terms, conform and correct related provisions generally relating to the administration of the Fair Election Fund, and provide for special effective dates.

It is anticipated that the number of citations that will be issued for violations of the relevant provision(s) will have no significant impact on ECB operations. For this reason, ECB has no objections to the passage of this bill.

No obj.





City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Tuesday, November 5, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0403

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.

ITEM SCHEDULED FOR PUBLIC HEARING

19-0403

Fair Election Fund - Establishment and Administration

FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

Sponsors: Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, Danielle McCray, Mary Pat Clarke, Edward Reisinger, President Brandon M. Scott

A motion was made by Clarke, seconded by Reisinger, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 7 - Costello, Clarke, Bullock, Pinkett III, Reisinger, Sneed, and Stokes Sr.

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0403

Fair Election Fund - Establishment and Administration

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: November 5, 2019
Time (Beginning): 10:15 a.m.
Time (Ending): 10:30 a.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 50 people
Committee Members in Attendance:
Eric Costello Mary Pat Clarke John Bullock Leon Pinkett
Edward Reisinger Shannon Sneed Robert Stokes

Bill Synopsis in the file? YES NO N/A
Attendance sheet in the file? YES NO N/A
Agency reports read? YES NO N/A
Hearing televised or audio-digitally recorded? YES NO N/A
Certification of advertising/posting notices in the file? YES NO N/A
Evidence of notification to property owners? YES NO N/A
Final vote taken at this hearing? YES NO N/A
Motioned by: **Councilmember Clarke**
Seconded by: **Councilmember Reisinger**
Final Vote: **Fav. with Amendments**

Major Speakers
(This is not an attendance record.)

Elena DiPietro, Department of Law
Marcia Collins, Department of Public Works

Major Issues Discussed

1. Chairman Costello explained that the Committee would be discussing proposed amendments to the bill at the hearing and that it would not hear additional public testimony.



2. Councilman Burnett explained each of his proposed amendments (in file). Most of the amendments were developed with the Law Department to conform to the requirements of Maryland Law and to clarify the respective roles of the Fair Election Fund Commission, the Director of Finance, and the Maryland State Board of Elections. Additionally, Councilman Burnett explained the following:
 - a. Amendment 3 requires educational materials in Spanish as well as English.
 - b. Amendment 4 changes the qualifications and matching funds for candidates for Comptroller to align with those for candidates for City Council President because both are City-wide offices.
 - c. Amendment 8 adds new standards for the uses of public contributions to prohibit certain uses.
 - d. Amendment 10 removes the provisions of the bill requiring the Department of Public Works to collect donations for public campaign financing through the City's water billing system.
3. Marcia Collins explained that collecting donations for public campaign financing through the City's water billing system would be very difficult to implement because of legal requirements for enterprise funds.
4. Councilman Stokes asked if the prohibition on paying late filing fees with a public contribution would conflict with the State's practice of withdrawing those fees directly from campaign accounts. Elena DiPietro said she would have to research the issue and respond later. Councilman Burnett noted that he would support an amendment on second reader if the Law Department identified any problems with the prohibition.
5. The agency representatives present confirmed that they had no objections to Councilman Burnett's amendments.
6. The Committee considered and adopted Councilman Burnett's amendments.

Further Study

Was further study requested?

Yes No

If yes, describe.

The Law Department will do additional research on whether the prohibition on paying late filing fees with a public contribution would conflict with the State's practice of withdrawing those fees directly from campaign accounts and provide its results to the Committee.

Committee Vote:

E. Costello: **Yea**
 M. Clarke: **Yea**
 J. Bullock: **Yea**
 L. Pinkett: **Yea**
 E. Reisinger: **Yea**
 S. Sneed: **Yea**
 R. Stokes: **Yea**



Matthew Peters

Matthew L. Peters, Committee Staff

Date: November 5, 2019

Cc: Bill File
OCS Chrono File





Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Fair Election Fund - Establishment and Administration	Bill #: 19-0403
Committee: Judiciary	Chair: Eric Costello
Date: Tuesday, November 5, 2019	Time: 10:00 AM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Joshua	Espinoza	Individual / GMOM 118 S. Ann St, BALTO		✓			
marcia	Collins	DPW					
Janelle	MummeY	DPW					
Toby	DITZ	Resident		✓			
MARIL	MARTIN	Resident		✓			
Kristalynn	Wells	Baltimore Indivisible		✓			
EMILY	SCARR	2909 MDAR MD PIRG emily@marylandpirg.org		✓		✓	
Rianna	Lloyd	JUFJ rianna@jufj.org		✓			

* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730





Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Fair Election Fund - Establishment and Administration	Bill #: 19-0403
Committee: Judiciary	Chair: Eric Costello
Date: Tuesday, November 5, 2019	Time: 10:00 AM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	<u>Testify</u>	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Kobi Little		Baltimore NAACP					
Jeanne Andone		Common Cause MD					
Arlene Ogurick		JUFS, Indivisible					
Betsy Krieger							
Charlie Cooper		Get Money Out of Maryland					
Lois Hyb	Hyb	League of Women Voters of Baltimore City					

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Peters, Matthew

From: Abadir, Adam
Sent: Monday, November 4, 2019 12:56 PM
To: Costello, Eric; Clarke, Mary Pat; Bullock, John; Pinkett, Leon; Reisinger, Edward; Sneed, Shannon; Stokes, Robert
Cc: Burnett, Kristerfer; Lowe, Thyra; Peters, Matthew; Young, Caylin
Subject: Fair Election Fund Amendments for 11/5 Judiciary Committee Hearing
Attachments: COMAR Law Governing FEF.pdf; cc19-0403~1st (Burnett)(6) Amendments FEF Final.pdf

Greetings Esteemed Members of the Judiciary Committee,

Ahead of the voting session tomorrow, our office wished to provide advance copy of the amendments our office has worked on with the assistance of several of you, as well as extensive conversations with the Law Department.

Ms. Thyra Lowe from our office has an excellent primer that we believe explains many of the technical amendments we have worked out with the Law Department, in consultation with the State Board of Elections.

Please let Councilmember Burnett know if you have any questions or concerns, we are happy to provide additional context for these amendments as needed.



Sincerely,

Adam Abadir
Chief of Staff
Office of Councilman Kristerfer Burnett, 8th District
O: (410)-396-4818
Adam.Abadir@baltimorecity.gov

From: Lowe, Thyra <Thyra.Lowe@baltimorecity.gov>
Sent: Monday, November 4, 2019 11:11 AM
To: Abadir, Adam <Adam.Abadir@baltimorecity.gov>; Burnett, Kristerfer <Kristerfer.Burnett@baltimorecity.gov>
Subject: Guidance for Distribution of the FEF Amendments
Importance: High

The amended changes to 19-0403 are required by the Law Department for compliance with COMAR (attached). The State Board of Election has the sole responsibility to qualify (certify) candidates for the Fair Election Fund and the law states that the SBE will in turn notify the Chief Financial Officer of said qualification. The amendments made to the 19-

0403 reflect that understanding as the “governing body” of a “county” in this case is the Mayor and City Council and the “Chief Financial Officer” is the Director of Finance. The Charter and this legislation gives the Commission responsibilities and the Agency can delegate many of those responsibilities to the Commission but the responsibility to “Certify” a candidate once Qualified by the SBE is the responsibility of the Chief Financial Officer. These amendments allow for this in the bill so throughout the bill where it used to say the Commission “certifies” it says “consult, recommend or advise”. The Commission still has sole responsibility to provide outreach and training on the FEF to candidates. In addition, the amendments reflect the importance of the Commission to weigh in on weighty concerns to ensure that there is transparency and consistency in the law both now and in the future. Finally, the amended document lays out the standards for the Fund to ensure no misuse of the FEF.

Sincerely,



Thyra Lowe
Director of Policy and Legislation
Office of Councilman Kristerfer Burnett, 8th District
O: (410)-396-4818
Thyra.lowe@baltimorecity.gov

**AMENDMENTS TO COUNCIL BILL 19-0403
(1st Reader Copy)**

By: Councilmember Burnett
{To be offered to the Judiciary Committee}

Amendment No. 1

On page 8, in line 1, before “**DUTIES**”, insert “**FUND ADMINISTRATION;**”; and, on that same page, in line 3, strike “**THE COMMISSION**” and substitute “**THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION;**”; on that same page, strike lines 5 and 6 in their entireties and substitute:

“**(2) THE DIRECTOR MAY NOT DISPERSE ANY FUNDS FROM THE FUND WITHOUT PRIOR COMMISSION CONSULTATION.**”.

Amendment No. 2

On page 9, strike lines 1 and 2 in their entireties, and substitute:

“**(4) PROCEDURES FOR HANDLING IMPERMISSIBLE USES OF PUBLIC CONTRIBUTIONS; AND**”.

Amendment No. 3

On page 9, in line 18, after “**MATERIALS**”, insert “**IN ENGLISH AND IN SPANISH**”.

Amendment No. 4

On page 13, in line 16, strike “**150**” and substitute “**250**”; and, on that same page, in line 17, strike “**\$5,000**” and substitute “**\$15,000**”; and, on page 15, in line 6, strike “**OR**” and substitute with a comma; and, in that same line, before “**THE**”, insert “**OR COMPTROLLER;**”; and, on that same page, in line 14, strike “**EITHER COMPTROLLER OR**”; and, on that same page, in line 28, after “**PRESIDENT**”, insert “**OR A CANDIDATE FOR COMPTROLLER**”.

Amendment No. 5

On page 14, in line 2, strike "COMMISSION" and substitute "STATE BOARD"; and, on that same page, in line 3, strike "STATE BOARD" and substitute "COMMISSION"; and, on that same page, in line 12, strike "RECOMMENDATION TO THE COMMISSION" and substitute "DETERMINATION, IN CONSULTATION WITH THE COMMISSION,"; and, on that same page, strike lines 14 and 15 in their entirety and substitute:

"(2) THE STATE BOARD MUST NOTIFY THE DIRECTOR AND THE COMMISSION OF THE STATE BOARD'S DETERMINATION.";

and, on that same page, strike lines 19 through 22 in their entirety and substitute:

"(C) APPLICANT CANDIDATE CERTIFICATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON NOTICE OF THE STATE BOARD'S CERTIFICATION OF AN APPLICANT CANDIDATE, THE DIRECTOR MUST DISPERSE THE APPROPRIATE PUBLIC CONTRIBUTION UNDER § 11-17 {"DISTRIBUTION OF PUBLIC CONTRIBUTION"} OF THIS SUBTITLE.

(2) THE DIRECTOR MAY NOT DISBURSE ANY PUBLIC FUNDS TO A CANDIDATE WITHOUT FIRST CONSULTING WITH THE COMMISSION.";

and, on that same page, in line 26, strike "THE COMMISSION DENIED"; and, on that same page, in line 27, after "APPLICATION", insert "WAS DENIED".

Amendment No. 6

On page 15, in line 3, strike "ON AUTHORIZATION BY THE COMMISSION" and substitute "ONLY AFTER CONSULTING WITH THE COMMISSION"; and, on that same page, in line 25, strike "BY THE COMMISSION"; and, on page 17, in line 2, strike "THE COMMISSION MUST AUTHORIZE"; and, on that same page, in line 3, strike "TO" and substitute "MUST"; and, on that same page, in lines 28 and 31, in each instance, strike "BY THE COMMISSION".

Amendment No. 7

On page 17, in line 28, after "INCURRED", insert "DIRECTLY FOR THE ELECTION"; in that same line, strike "ONCE" and substitute "AFTER".

Amendment No. 8

On page 18, in line 15, strike "*LIMITATIONS*" and substitute "*STANDARDS*"; and, on that same page, strike lines 16 and 17 in their entireties and substitute:

"(1) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION FOR:

(I) PERSONAL EXPENSES;

(II) EXPENSES RELATED TO HOLDING PUBLIC OFFICE;

(III) PAYING FOR A PERSONAL ENDORSEMENT; OR

(IV) PAYING FOR LATE FILING FEES.

(2) A PARTICIPATING CANDIDATE MAY NOT USE A PUBLIC CONTRIBUTION TO :

(I) CONTRIBUTE TO CURRENT OR FUTURE CANDIDATES FOR ELECTIVE OFFICES
OTHER THAN THE ONE BEING SOUGHT BY THE PARTICIPATING CANDIDATE; OR

(II) CONTRIBUTE TO ANY ENTITY OR ORGANIZATION, SUCH AS A POLITICAL PARTY.

(3) THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, SHALL DETERMINE
WHETHER AN EXPENSE IS A PERMISSIBLE USE OF A PUBLIC CONTRIBUTION, AND THE
DIRECTOR'S DETERMINATION IS FINAL."

Amendment No. 9

On page 19, in line 20, strike "THE COMMISSION" and substitute "THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION,"; and, on that same page, in line 24, strike "COMMISSION" and substitute "DIRECTOR, IN CONSULTATION WITH THE COMMISSION,".

Amendment No. 10

On page 22, strike lines 4 through 6 in their entireties; and, on that same page, in line 7, strike "4" and substitute "3"; and, on that same page, strike lines 11 and 12 in their entireties; and, on that same page, in line 13, strike "6" and substitute "4"; and, in that same line, strike "Sections 4 and 5" and substitute "Section 3".

Code of Maryland Regulations
Title 33. State Board of Elections
Subtitle 13. Campaign Financing
Chapter 14. Public Financing (Refs & Annos)

COMAR 33.13.14.05

.05 County Responsibilities.

Currentness

The governing body of a county shall:

- A. Establish the qualifications, requirements, and deadlines to participate in and qualify for public campaign financing;
- B. Establish the permitted uses of public election funds;
- C. Provide for sufficient personnel to administer and implement the system for public campaign financing; and
- D. Establish administrative penalties for violations of the system of public campaign financing and identify the agency responsible for the enforcement of penalties.

Credits

Adopted Feb. 12, 2018.

Complete through Maryland Register Vol. 46, Issue 20, dated Sept. 27, 2019.

COMAR 33.13.14.05, MD ADC 33.13.14.05

Code of Maryland Regulations
Title 33. State Board of Elections
Subtitle 13. Campaign Financing
Chapter 14. Public Financing (Refs & Annos)

COMAR 33.13.14.06

.06 Chief Financial Officer Responsibilities.

Currentness

The chief financial officer of the county shall:

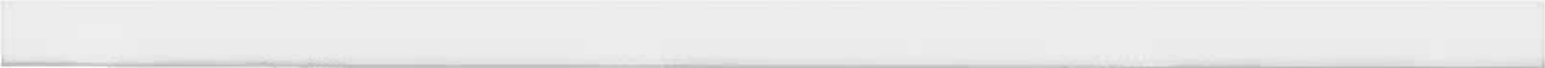
- A. Administer the public election fund;
- B. Credit to the public election fund all money collected for the public election fund;
- C. Promptly disburse any public contribution from the fund to any qualified and eligible candidate;
- D. In consultation with the State Board, provide full information to the public, to candidates, and to any other interested party on the process of administering the public election fund and on the requirements for obtaining public financing; and
- E. Promptly after the primary or general election for elective offices in the executive or legislative branches of county government, audit all campaign finance reports and other documents submitted by a publicly funded candidate for that election.

Credits

Adopted Feb. 12, 2018.

Complete through Maryland Register Vol. 46, Issue 20, dated Sept. 27, 2019.

COMAR 33.13.14.06, MD ADC 33.13.14.06



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Judiciary Committee

Tuesday, November 5, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0403

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0403

Fair Election Fund - Establishment and Administration
FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

Sponsors:

Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, Danielle McCray, Mary Pat Clarke, Edward Reisinger, President Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Tuesday, September 17, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0403

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Edward Reisinger, Shannon Sneed, and Robert Stokes Sr.

ITEM SCHEDULED FOR PUBLIC HEARING

19-0403

Fair Election Fund - Establishment and Administration

FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

Sponsors: Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, Danielle McCray, Mary Pat Clarke, Edward Reisinger, President Brandon M. Scott

Hearing recessed. The Committee will schedule a work session on the bill at a later date.





HEARING NOTES

Bill: 19-0403

Fair Election Fund - Establishment and Administration

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: September 17, 2019
Time (Beginning): 10:40 a.m.
Time (Ending): 12:10 p.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 75 people
Committee Members in Attendance:
Eric Costello Mary Pat Clarke John Bullock Leon Pinkett
Edward Reisinger Shannon Sneed Robert Stokes

Bill Synopsis in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by:	N/A		
Seconded by:	N/A		
Final Vote:			

Major Speakers

(This is not an attendance record.)

Robert Cename, Department of Finance
Elena DiPietro, Department of Law
Marcia Collins, Department of Public Works

Major Issues Discussed

1. Chairman Costello called the hearing to order.



2. Councilman Burnett explained the bill and the importance of public financing for political campaigns.
3. The Department of Finance testified in opposition to the bill because a dedicated fund could limit the City's ability to cope with budget shortfalls in the future. The Department estimated that administering the fund would require \$340,000 per year and ensuring that the fund has enough money to support the projected number of qualifying candidates would require an additional \$2 million per year. Although the bill does not propose a funding source the Department expressed concern that funding it could result in an additional tax burden on residents. The Department also noted that it may require additional expertise to administer the fund and that there may be other agencies (i.e. the Board of Elections) better suited to that role.
4. A committee member asked what the required funding could do if allocated for other purposes. The Department of Finance explained, as examples, that approximately \$2 million per year could pay for opening City recreation centers for an additional day each week or for hiring 5-6 additional Department of Public Works crews.
5. The Law Department discussed the requirements of the State authorizing statute and recommended amendments to meet those requirements (see report in file).
6. The Department of Public Works expressed concern about implementing the requirement to accept donations through the water billing system.
7. The Environmental Control Board indicated that it has no objection to the bill.
8. Members of the public testified in favor of the bill. Speakers noted that the current system for funding campaigns is a barrier to grass-roots leaders, favors wealthy white residents and businesses, and contributes to a perception of corruption within City government. Speakers also stated that the bill would encourage more City residents to engage in the political process as candidates or donors. Additionally, speakers noted positive results in Montgomery and Howard Counties where similar public financing systems are already in place.
9. Councilman Burnett explained that he will work with the Law Department and the Department of Public Works on amendments to address their concerns and that the committee will schedule a work session at a later date.

Further Study

Was further study requested?

Yes No

If yes, describe.

Councilman Burnett will work with the Law Department and the Department of Public Works on amendments to address their concerns and the committee will schedule a work session at a later date.

Committee Vote:

E. Costello:

M. Clarke:.....

J. Bullock:.....

L. Pinkett:

E. Reisinger:

S. Sneed:.....

R. Stokes:.....



Matthew Peters

Matthew L. Peters, Committee Staff

Date: September 17, 2019

Cc: Bill File
OCS Chrono File



**AMENDMENTS TO COUNCIL BILL 19-0403
(1st Reader Copy)**

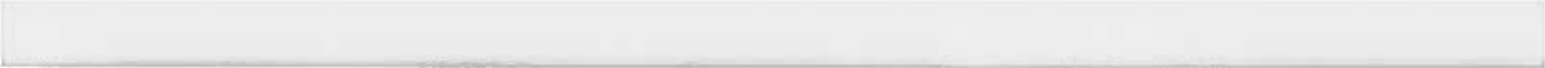
By: Councilmember Burnett
{To be offered to the Judiciary Committee}

Amendment No. 1

On page 9, in line 18, after “MATERIALS”, insert “IN ENGLISH AND IN SPANISH”.

Amendment No. 2

On page 13, in line 16, strike “150” and substitute “250”; and, on that same page, in line 17, strike “\$5,000” and substitute “\$15,000”; and, on page 15, in line 6, strike “OR” and substitute with a comma; and, in that same line, before “THE”, insert “OR COMPTROLLER,”; and, on that same page, in line 14, strike “EITHER COMPTROLLER OR”; and, on that same page, in line 24, strike “(A)(1)” and substitute “(A)”; and, on that same page, in line 28, after “PRESIDENT”, insert “OR A CANDIDATE FOR COMPTROLLER”.





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INTERNATIONAL UNION
CTW, CLC

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LARRY ENGELSTEIN
Secretary Treasurer

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KEVIN BROWN
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JOHN THACKER

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Virginia 202.387.3211

Connecticut District
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Stamford 203.674.9965

District 1201
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Florida District
305.672.7071

Hudson Valley District
914.328.3492

Mid-Atlantic District
215.226.3600

**National Conference of
Firemen and Oilers**
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New England District 615
617.523.6150

New Jersey District
973.824.3225

Western Pennsylvania District
412.471.0690

www.seiu32bj.org

Testimony of Jaime Contreras
Judiciary Committee, City of Baltimore
Fair Election Fund, 19-0403
September 18 2019

Attn: Council Member Eric T. Costello, Chair
Council Member Mary Pat Clarke, Vice Chair

Via Email

Dear Committee Chair Costello and Vice Chair Clarke,

Thank you for the opportunity to provide comments in relation to the Fair Election Fund bill, 19-0403. On behalf of the union's members in the City of Baltimore I am pleased to issue our strong support for the legislation.

32BJ represents over 175,000 working men and women, including 18,500 in our Capital Area District, which includes the City of Baltimore. Our members work hard to keep Baltimore running – we are janitors, cleaners and security officers in the City's office buildings, public institutions, colleges, port and more. Our members come from diverse backgrounds, but we are united in our fight for family sustaining jobs and healthy, thriving communities.

Our union is deeply committed to raising the voice of working people. We know that it is only through being heard and building power that workers are able to achieve change. This approach applies not only to the workplace, but to politics, which is why we are proud to support the establishment of a Fair Election Fund in Baltimore.

Bill 19-0403 will help to balance the scales in City elections by boosting the impact of small dollar donations. Inspired by successful legislation in locations both inside and outside of Maryland including, Howard, Prince George's and Montgomery County as well as New York City and Washington DC, the bill will enable candidates for city wide and council elections to voluntarily enter into a public finance program that matches small dollar donations from individual contributors with public funds.

Following the lead of other Maryland jurisdictions public matching dollars under the proposed bill will be applied on a progressive scale. The first \$25 of qualifying contributions will be matched on a 9:1 basis, followed by successively lower rates that phase out at \$150 for Mayoral and Council President candidates, and \$75 for candidates for City Council and Comptroller. This structure will help to ensure that even the smallest donations, from those likely to have the least means to give, are valued within our political system.

The program will enable candidates to run for office without the needing to rely on big money donations from corporations and wealthy individuals. This will encourage a broader pool of candidates running for office and a deeper

engagement with low-income, immigrant and communities-of-color, whose interests can be neglected when candidates are required to court wealthy donors who do not reflect the City at large.

We note that the effective matching rate set in the bill for the maximum qualifying contributions in the two tiers of races equates to \$4.166:1 (for a \$150 donation to a candidate for Mayor or Council President) and \$6.333:1 (for a \$75 donation to a candidate for City Council or Comptroller). These ratios compare well to those in place elsewhere in Maryland, but sit behind the 8:1 ratio that was recently adopted in New York City's long standing program.¹ It will be prudent as the program matures in Baltimore for the City to review whether the matching rates, combined with "qualifying boosts", continue to provide sufficient funds for candidates who opt into the program to run viable campaigns, such that the goals of the fund are able to be met.

On behalf of my union brothers and sisters I urge committee members to support this bill and for the council to pass it into law. Doing so will position Baltimore as a leader in the fight for fair elections and an inclusive democracy at a time when these things are shamefully under attack throughout the country.

Yours in solidarity,

Jaime Contreras
Vice President SEIU 32BJ
Director - Capital Are District

CC:

Council Member Shannon Sneed, Shannon.Sneed@baltimorecity.gov
Council Member John T. Bullock John.Bullock@baltimorecity.gov
Council Member Leon Pinkett, Leon.Pinkett@baltimorecity.gov
Council Member Edward Reisinger Edward.Reisinger@baltimorecity.gov
Council Member Robert Stokes, Robert.Stokes@baltimorecity.gov
Council Member Kristerfer Burnett, Kristerfer.Burnett@baltimorecity.gov
Staff to the Committee, Matthew Peters, Matthew.Peters@baltimorecity.gov

The public financing programs in place in Montgomery County, Howard County and Prince George's County each feature a progressive staggering of matching rates in which higher rates are applied to smaller donations. The effective ratio in each county for the maximum donation qualifying for public matching is: 4:1 (County Executive, \$150) and 3:1 (County Council) in Montgomery County, 4:1 (County Executive, \$150) and 3:1 (County Council) in Howard County and 3.333:1 (County Executive and County Council, \$150) in Prince George's County. Alternatively, programs in place in New York City and Washington, DC both operate with a single matching rate of 8:1 and 5:1 respectively. See:

Montgomery County Code (16-23(a)): http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc
Howard County Code (10-306(d)):

https://library.municode.com/md/howard_county/codes/code_of_ordinances?nodeId=HOCOCO_TIT10ELEDI_SUBTITLE_3CIELFU_S10.306DIPUCO

Prince George's County Code (10-327(d)):

https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIHT17PULOLAPRGECOMA_SUBTITLE_10FITA_DIV26FAELFU_S10-327DIPUCO

New York City Administrative Code (3-705.2(a)): <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>

DC Code (1-1163.32e(b)): <https://code.dccouncil.us/dc/council/code/sections/1-1163.32e.html>



Emily Scarr, Maryland PIRG Director
Council Bill 19-0403: Fair Election Fund - Establishment and Administration
Position: Support
Tuesday, September 17th
Judiciary Committee
Chaired by Councilmember Eric T. Costello

Maryland Public Interest Research Group (Maryland PIRG) is a citizen funded public interest advocacy organization with grassroots members in Baltimore and across the state.

As the Director of Maryland PIRG, and a Baltimore City resident, I urge you to support Council Bill 19-0403 to implement and administer the Fair Election Fund as authorized by voters in November, 2018.

Thank you, Chairman Costello for holding this hearing, Councilman Burnett for introducing the bill, Committee sponsors Clarke, Bullock, Reisinger, Sneed, and all 11 sponsors for your support.

Last week [Maryland PIRG Foundation released a report](#) which found that Montgomery County's Fair Elections program showed strong results in its first use. The report looks at data from 57 candidates for county office, 35 of whom participated in the program and 24 qualified to receive matching funds.¹

- Candidates who qualified received nearly twice as many donations from Montgomery County residents than those not participating in the program (850 vs 434).
- Candidates who participated in the matching program raised 98% of their money in small contributions (\$150 and less) compared to 3% for candidates who did not participate.
- Candidates participating in the program received an average contribution of \$86 compared to \$1,145 for non participating candidates.
- Candidates running for county council seats were able to use the small donor system to run competitive races. The average contribution, including matching funds, for candidates participating in the program was similar to the average contribution for candidates accepting large contributions. (\$306 vs \$292)

CB 19-0403, with Councilman Burnett's amendments, is modelled after the success of similar programs in the state and country, with adjustments to meet Baltimore's demographic needs.

A Fair Elections program will be better for candidates and elected officials, better for the public, and better for Baltimore.

We believe that in Baltimore, the amount of money your family makes - your race, your gender - should not determine the volume of your voice in our elections. But the rise of corporate and large campaign contributions has forced Baltimore elected officials and candidates to be increasingly dependent on these donors, giving them less time to hear from and serve their constituents.

We hope you will vote today to support the implementation of the Fair Elections Fund and Commission with the amendments put forth by Councilman Burnett.

The Fair Elections program is a voluntary program which enables candidates to run for office with small donations from their constituents and remaining competitive with those who accept large and corporate contributions. This serves the dual purpose of reducing corporate and large donor campaign spending and re-engaging the community in the electoral process. And with a Fair Election program in place, we hope to expand opportunities to run for office, so candidates of all backgrounds can run based on the strength of their ideas not access to money.

These types of programs are popular, effective, and gaining momentum.

BACKGROUND: Recent decisions from the Supreme Court have unleashed a wave of mega donors into the electoral process and we are feeling the effects at the local level. The meteoric rise of election spending since these Supreme Court decisions means candidates and elected officials are often trapped spending an increasing amount of time fundraising from big donors, giving them less time to hear from and serve their constituents. It has also exacerbated the already shrinking faith that citizens have in their elected officials and government.

An October 2017 Poll from the University of Maryland and the Washington Post found that Americans, regardless of political affiliation agree the money in politics is a big issue and are not happy with the way our democracy is going.ⁱ

- 36% said they are not proud of the way democracy works in America, up from 18% in 2014.
- Money in politics was listed as the #1 cause for dysfunction in the U.S. political system, with a whopping 96% of respondents saying it had "A lot" (65%) or "some" (31%) to do with the problem.

In recent years we have seen Baltimore elected officials forced to be increasingly dependent on large and corporate donors. In the last election, the average donation to all mayoral candidates rose from \$542 to \$725, both of which are far greater than most Baltimoreans can afford to make.

- The cost to run for Mayor in Baltimore City increased 25% for the Mayor's race between 2012 and 2017, and the cost to run for Council increased 50%.
- This increase in the cost to run is fueled by an increase in large donations. For example, the average donation to winning mayoral candidates increased from \$525 in 2007 to \$681 in 2011, then nearly doubled to \$1,119 in 2016.ⁱⁱ
- According to recent research from Demos, in the 2016 Baltimore City Elections, 76% of the money raised by candidates from individuals came from large contributions (\$500 or more).^{iv}
- And, nearly half (43%) of the donations to general election candidates come from people outside the city, and these outside contributions were 50% larger, on average, than donations from Baltimoreans.

WHAT YOU CAN DO: Small donor public financing enables candidates to run a competitive race without relying on large or corporate donors. In 2013, the Maryland General Assembly passed a law enabling local governments to establish this new way to fund elections. Montgomery County passed their program in 2014 and Howard County passed theirs in 2017, after amending their charter. Prince Georges finalized their program in fall 2018, and Washington D.C. is currently running their first election using their program. Similar programs have proved effective in Connecticut and New York City, where more than 90% of candidates frequently participate in the program.^v

The fight to overturn Citizen's United will be long, but this is something you can do now. There is no doubt that our democracy is in a fragile state, down the road in D.C. and right here in Baltimore. You have an incredible opportunity to empower Baltimore residents in in our elections and build a democracy for the people. I hope you take it.

ⁱ Fair Elections in Montgomery County: Matching Program Encourages and Empowers Small Donors, Maryland PIRG Foundation, September 2019, <https://marylandpirg.org/reports/mdp/fair-elections-montgomery-county-0>

ⁱⁱ Most Americans say politics have reached a dangerous new low point, Washington Post and University of Maryland, October 28, 2017, https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2017/10/28/National-Politics/Polling/release_497.xml

ⁱⁱⁱ Analyzing the 2016 Baltimore City Elections: What the Candidates Spent and Where It Came From, Common Cause Maryland, August 2017, <https://www.commoncause.org/wp-content/uploads/legacy/states/maryland/research-and-reports/analyzing-the-2016-baltimore.pdf>

^{iv} Big Money in the Charm City, Demos, March 2019, <https://www.demos.org/research/big-money-charm-city>

^v States, Counties, and Municipalities Empower Small Donors and Curb the Power of Big Money in Politics, Demos, June 28, 2017, <http://www.demos.org/publication/public-funding-electoral-campaigns-how-27-states-counties-and-municipalities-empower-sma>



Fair Elections in Montgomery County

2018 Matching Program Encourages and
Empowers Small Donors

Maryland PIRG
Foundation

Fair Elections in Montgomery County

2018 Matching Program Encourages and
Empowers Small Donors

Emily Scarr
Maryland PIRG Foundation

Joe Ready
USPIRG Education Fund

September 2019

Maryland PIRG
Foundation

Acknowledgments

The authors wish to thank the staff of Common Cause Maryland for their review of drafts of this document, as well as their insights and suggestions. Thanks also to R.J. Cross of Frontier Group for editorial support.

Maryland PIRG Foundation thanks Piper Fund, a Proteus Fund initiative for making this report possible.

The authors bear responsibility for any factual errors. Policy recommendations are those of Maryland PIRG Foundation. The views expressed in this report are those of the authors and do not necessarily reflect the views of our funders or those who provided review.

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Executive Summary

“Big money” – the large donations that come from a few mega-donors and special interests – dominates current American politics, shaping everything from who runs for office to a candidate’s ability to communicate their message to the public. Traditional campaign financing favors those with money or access to money, and people of color, women, low income folks, young people, and immigrants are often left out.

But it doesn’t have to be this way. Around the country, cities, counties and states are taking action to fight back against large donors’ dominance of politics. One such effort is the Fair Elections law adopted in Montgomery County, Maryland, which provides candidates for county-level positions with limited matching funds if they agree to accept contributions only from small donors.

The programs goals include encouraging greater participation, reducing the influence of large donors, and enabling more residents to be able to run for public office.

This report analyzes the fundraising data from the 2018 county elections, the first election in Maryland to use a small donor matching system. Overall, the small donor matching system was largely successful in achieving its stated goals. Our review of the data concludes that:

1. Small donors accounted for a significantly larger portion of the fundraising for candidates in the program.
2. The average donation was dramatically smaller for qualifying candidates.

Candidates who qualified for the matching program raised 98% of their money in small contributions (\$150 or less) and matching funds compared to 3% for candidates who did not participate.¹

Candidates qualifying for the program received an average contribution of \$86 compared to \$1,145 for non-participating candidates.²

Fig 1. Percent of Fundraising from Small Contributions (\$150 or less)

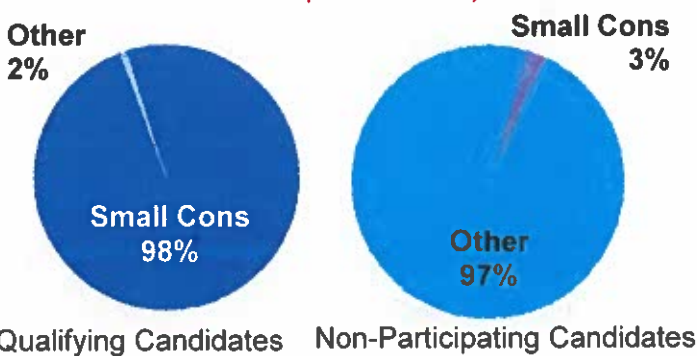


Fig 2. Average Size of Contributions



¹ When you remove Blair’s fundraising from the analysis, the percent of fundraising from small contributions for non-participating candidates rises to 9%. See Page 5 “Impacts of Small Donor Matching Program.”

² When you remove candidate Blair’s fundraising from the analysis, the average contribution for non-participating candidates drops to \$435. See Page 5 “Impacts of Small Donor Matching Program.”

- Individual donors participated at a higher rate when candidates participated in the small donor program.

Candidates who qualified for the program on average received 96% more contributions from individuals than candidates who did not participate in the program. (850 vs 434)

Fig 3. Average Number of Contributions from Individuals



- Candidates running for county council seats were able to use the small donor system to run competitive races.

Once you add matching funds, the average contribution for candidates participating in the program was similar to the average contribution for candidates accepting large contributions. (\$306 for qualifying vs \$292 for non-participating)

Fig 4. Average Total Contribution (Including Match)



The evidence suggests that the small donor program worked on many fronts. Other counties, cities and states should look to Montgomery County as an example of how to take effective and substantial action on campaign finance reform.

Introduction

Since the Supreme Court's misguided decisions in *Citizens United vs. FEC* and *McCutcheon vs. FEC*, big money's influence in politics has become a central and pressing issue for our democracy. In 2010, only 13 percent of donations to congressional campaigns came from small donors – individuals who gave \$200 or less.³ In contrast, individual contributions from large donors, those who gave more than \$200, made up 48 percent of campaign funds, providing almost four times as much money as small donors.⁴

The problem of big money affects every part of politics – who runs for office, who wins, and how candidates and officials spend their time both while campaigning and in office. Because securing funds from large donors is such a necessary component of office-seeking, the dominance of big money can “filter out” candidates who lack connections to large donors and PACs, causing many otherwise worthy and willing candidates not to seek elected office.

More importantly, regular people don't have a voice in deciding who runs for office. When big money determines who can run for office, it means that everyone who doesn't have access to big money is on the outside looking in. That's not how our democracy is supposed to work. Citizens should have an equal voice. Money

should not determine the strength of a citizen's voice in our democracy.

The role of big money is not limited to federal elections. Across the country, we see similar trends at the state and local level. While in the long term, reversing *Citizens United* and *McCutcheon* by constitutional amendment is necessary, in the short term, one of the best solutions is to amplify the voices of small donors by providing matching funds. Such programs seek to balance the scales of our democracy in favor of ordinary voters, increasing their power and, by requiring candidates to pledge not to accept large contributions as a condition for receiving matching funds, reducing the influence of large donors as well.

In September 2014, the Montgomery County Council passed Bill 16-14, instituting a small donor campaign contribution matching program. The stated goals of the program are to encourage greater voter participation, reduce the influence of large donors, and enable more residents to be able to run for public office.⁵

The first election for which these matching funds were available was held in 2018. This report analyzes those results and shows that the small donor empowerment program made a significant impact. Candidates who participated in the matching program were able to run campaigns funded by small donors.

³ The Center for Responsive Politics, *Small Donors Make Good Press, But Large Donors Get You Reelected*, accessed 21 January 2018, archived at <https://web.archive.org/web/20180111183149/https://www.opensecrets.org/resources/dollarocracy/04.php>.

⁴ The Center for Responsive Politics, *Small Donors Make Good Press, But Large Donors Get You Reelected*, accessed 21 January 2018, archived at

<https://web.archive.org/web/20180111183149/https://www.opensecrets.org/resources/dollarocracy/04.php>.

⁵ Montgomery County Council, *Public Campaign Financing*, retrieved from https://montgomerycountymd.gov/COUNCIL/public_campaign_finance.html

How the Small Donor Matching Program Works

Montgomery County has established a fund that provides matching donations to candidates for county office. In order to receive the funds, candidates have to file a notice of intent to make use of the fund, establish a campaign account, and meet a few conditions:

- They must accept only donations from individuals, of between \$5 and \$150.
- They must refuse to accept donations from large donors, PACs, corporations, other candidates and political parties.
- They must meet minimum thresholds for number of county donors and amount of money raised in order to demonstrate that their pursuit of public office is serious.⁶

If a candidate meets these conditions, they qualify for matching funds for small donations made by county residents.

County Executive Candidates

County Executive candidates must raise \$40,000 from at least 500 Montgomery County contributors to qualify for the program. Once they qualify, they receive \$6 for each dollar for the first \$50 of each donation, \$4 for each dollar for the next \$50, and \$2 each dollar thereafter (up to the maximum donation of \$150). A County Executive candidate can receive matching funds up to a maximum of \$750,000 during both contested primary and general elections.⁷

County Council At-Large Candidates

County Council At-Large candidates must raise \$20,000 from at least 250 Montgomery County contributors to qualify for the program. Once they qualify, they receive \$4 for each dollar for the first \$50 of each donation, \$3 for each dollar for the next \$50, and \$2 each dollar thereafter (up to the maximum donation of \$150). County Council At-Large candidates can receive matching funds up to \$250,000 during both contested primary and general elections.

County Council Candidates

County Council candidates must raise \$10,000 from at least 125 Montgomery County contributors to qualify for the program. They receive \$4 for each dollar for the first \$50 of each donation, \$3 for each dollar for the next \$50, and \$2 each dollar thereafter (up to the maximum donation of \$150). A County Council candidate can receive matching funds up to a \$125,000 during both contested primary and general elections.

These funds can therefore greatly amplify the impact of small donors on the race. Furthermore, because candidates must agree not to accept contributions of more than \$150 in order to qualify for the matching funds, the program has the added effect of reducing the influence of big-money interests.

⁶ These are: 500 donors/\$40,000 for County Executive; 250/\$20,000 for at-large County Council; and 125/\$10,000 for district County Council. Montgomery County Council, *Public Campaign Financing*, accessed 21 January 2018, archived at

https://web.archive.org/web/20180111213617/http://www.montgomerycountymd.gov/COUNCIL/public_campaign_finance.html.

⁷ The amount of matching funds given per dollar varies depending upon the office sought.

Impacts of Small Donor Matching Program

This section will evaluate what impact the small donor empowerment program had relative to the goals of the program.

Increasing Participation:

The results of the 2018 elections suggest that the program did increase participation in the political process.

Making a contribution to a candidate is a powerful form of participation. 35 of the total 57 candidates for county council and county executive chose to participate in the small donor empowerment program, and of those 24 qualified to receive matching funds. Those 24 candidates received a total of 20,409 contributions from individuals, an average of 850 contributions per candidate. In contrast, the 22 candidates who did not participate in the program received 9,551 contributions from individuals, an average of 434 contributions from individuals per candidate.

While it is impossible to ascribe with 100% certainty why any specific contribution was made, the fact that participating candidates received on average 96% more contributions from individuals than candidates who did not participate in the program suggests that overall, the small donor empowerment program encouraged participation. The matching provided an incentive for candidates to actively solicit small contributions, and it also provided an incentive for donors to give, knowing that their small dollars could make a big difference.

Reducing the Influence of Big Money:

The results of the 2018 elections suggest that the small donor empowerment program did reduce the influence of big money in the political process.

As noted, candidates using the small donor system on average received more contributions from individuals (850 vs 434 per candidate) than traditional candidates, but without the matching program, they would not have raised nearly as much money as the traditional candidates. By relying on larger contributions that most people cannot afford, traditionally funded candidates would have raised 572% more dollars than qualifying candidates. This number is inflated significantly by one county executive candidate (David Blair) who gave or loaned over \$7.4 million of his own money to his campaign. The next highest fundraising total was \$1.9 million. But even if you remove Blair's fundraising, candidates relying on big money would have raised 134% more money than the candidates relying on small donors, without the matching funds.

These numbers exemplify the outsized role that big money plays in our political system. While participating candidates only accept contributions from individuals, the average contribution from business, groups and organizations to traditional candidates was \$1,285. Likewise, the overall average contribution to traditional candidates was

\$1,145 (\$435 without the Blair fundraising), both of which are more than most people can afford. The average contribution for participating candidates who qualified for the program was \$86.

The small donor empowerment program significantly changed this. With matching funds, the average contribution for qualifying candidates rises from \$86 to \$340, much closer to the average contribution of the traditional candidate. With the matching program, big money was no longer the only way for a candidate to raise enough money to compete. People who could only afford small contributions had a meaningful voice in funding candidates.

Enabling More Residents to Run for Public Office:

The results of the 2018 elections suggest that the small donor empowerment program did allow more residents to run for public office.

The sheer number of candidates running for county office would suggest that there is certainly an appetite for running for public office in Montgomery County. But, as with voter turnout, it is very difficult to ascribe motivation based on the campaign finance data. Anecdotally, the existence of the small donor matching program seems to have changed the way candidates approached running for office. It also impacted who was able to run for office. While traditional financing favors those with money or access to money, under the small donor financing system those with community

support are empowered to run, opening the doors for more women, people of color, and low-income residents to seek office.

In an interview with the *Washington Post*, former council member and drafter of the law Phil Andrews said, "There's [now] an emphasis on all individuals, cutting out the middleman, cutting out the bundlers and going directly to the people... It's very democratic."⁸ First-time candidate Brandy Brooks expressed her gratitude for the funds, crediting the small donor matching program for opening up the race: "It's really made me feel like fundraising for this race is possible."⁹

Based on the results of the races, the small donor empowerment program created another, viable way for a person to run for office that does not require access to big money. The new County Executive and five of the nine candidates who won a seat on county council, participated in the small donor program.

⁸ Rachel Siegel, "Under New Public Finance Law, Montgomery Candidates Change Fundraising Tactics," *The Washington Post*, 17 August 2017.

⁹ Bill Turque, "Montgomery County Candidates Line Up for Taxpayer-Funded Contributions," *The Washington Post*, 7 June 2017.

2018 Montgomery County Election Details

This section will evaluate what impact the small donor empowerment program had on County Executive and County Council races.

County Executive Race

- 8 candidates ran for the County Executive seat, 4 participated in the program, and all 4 qualified to receive matching funds.
- Candidates who qualified for the program received an average of 156% more contributions from individuals than non-participants (2,167 contributions versus 845 for non-participating candidates).
- The average contribution without matching funds for qualifying candidates was \$81 versus \$2,632 for non-participating candidates.¹⁰
- Once you apply matching funds the average contribution for participating candidates rose to \$386 versus \$2,632 for non-participating candidates.¹¹

County Council Races

- 49 candidates ran for County Council, 31 participated in the program, and of those 20 qualified to receive matching funds.
- Candidates who qualified for the program received an average of 71% more contributions from individuals. (587 individual contributions versus 343 for non-participating candidates).
- The average contribution without matching funds for qualifying candidates was \$90 versus \$292 for non-participating candidates.
- Once you apply matching funds, the average contribution for qualified candidates rose to \$306 versus \$292 for non-participating candidates.

Conclusion

The data from the first election suggest that the small-donor matching program is succeeding in its goals. Small donors accounted for a significantly larger portion of the fundraising for candidates in the program. Small donors participated at a higher rate when candidates participated in the small donor program. And candidates were able to use the small donor system to run competitive races.

Based on the 2018 election, Montgomery County's matching program worked as intended, and should serve as a model for other communities, both in Maryland and elsewhere in America.

¹⁰ When you remove candidate Blair's fundraising from the analysis, the average contribution for non-participating candidates drops to \$758. See Page 5 "Impacts of Small Donor Matching Program."

¹¹ When you remove candidate Blair's fundraising from the analysis, the average contribution for non-participating candidates drops to \$758. See Page 5 "Impacts of Small Donor Matching Program."

Methodology

Data on candidates' donations were obtained from the Maryland Campaign Reporting Information System, accessed at <https://campaignfinancemd.us/Public/ViewReceipts?theme=vista>. These data list the individual contributions from donors, as well as information about these donors, including their name, location and type.

The data in this report captures all of the funds candidates had available to spend during the election cycle, including money that candidates loaned their own campaigns and in-kind contributions. It is beyond the scope of this report to examine whether or not those loans were repaid.

Candidate committee contribution data were first de-duplicated to remove instances of a single contribution being reported more than once.

Next, the candidate committees were sorted by what elected position they were running for: County Executive, Councilperson at Large and District Councilperson.

Next the candidates were separated into three categories: candidates who participated in the matching system, candidates who participated in the matching system and qualified for matching funds, and candidates who did not participate the matching system. For each category of candidate, the following calculations were performed: (1) the numbers of contributions were summed within the category, (2) the total funds raised were summed, (3) the average contribution was calculated by dividing the result of (2) by the result of (1).

Next, the percent of contributions made by individuals (defined as individual persons, i.e. excluding PACs, unions, and other organizations) was determined by counting the number of contributions made by individuals and dividing that number by the total number of contributions.

Next, the percent of contributions made by small donors was determined. This was done by counting the number of contributions of less than or equal to \$150 and dividing by the total number of contributions.

Next, the average number of contributions and funds raised per candidate was calculated by dividing the total number of contributions and the total dollars by the total number of candidates in each candidate category.

In addition, for candidates participating in the matching system, the following calculations were performed: (1) the number of dollars coming from the matching fund were calculated; (2) the average contribution *before* matching funds were applied was calculated by subtracting the matching funds from total fundraising and dividing by the number of contributions, in order to accurately portray the amount of money given by each individual donor.

Finally, the percent of total fundraised dollars that came from small donations was calculated. For candidates who have not received matching funds, this was calculated by summing all contributions of less than or equal to \$15 and dividing by total fundraised dollars. For candidates receiving matching funds, this was done by summing all contributions of less than or equal to \$15, but this sum was then divided by the total fundraised dollars less matching contributions.

These calculations were repeated across the following categories within the three types of candidate committees: all candidates in the category, candidates running for county executive, candidates running for county council at large, all candidates running for district seats, candidates running in each district (Districts 1-5), candidates who are incumbents and candidates who are not incumbents. These detailed figures are located in the appendix.

Appendix

Table 1: Results among candidates who participated in the matching program and qualified for matching funds.

	# of Candidates	# of Cons.	Total Dollars	Avg. Con.	Matching Dollars	Avg. Con. W/o Match	% from Individuals	# Cons. from Individuals	% of \$ from Small Donors and Match
Total	24	20,559	\$6,989,094	\$340	\$5,219,441	\$86	99%	20,409	98%
Avg.	n/a	857	\$291,087	n/a	\$217,477	n/a	n/a	850	n/a
Count. Exec.	4	8,722	\$3,365,262	\$386	\$2,663,721	\$81	99%	8,667	99%
All Council	20	11,837	\$3,620,832	\$306	\$2,555,720	\$90	99%	11,742	97%
At Large	12	9,405	\$2,906,993	\$309	\$2,068,029	\$89	99%	9,357	97%
Dist. 1	4	1,128	\$318,849	\$283	\$205,221	\$102	99%	1,113	93%
Dist. 2	1	401	\$102,430	\$255	\$76,095	\$67	98%	392	100%
Dist. 3	1	510	\$180,390	\$354	\$125,000	\$110	97%	495	97%
Dist. 4	1	162	\$50,490	\$312	\$37,275	\$83	98%	158	98%
Dist. 5	1	231	\$61,680	\$267	\$44,100	\$77	98%	227	97%

Table 2: Results among candidates to did not participate in the matching program

	# of Candidates	# of Cons.	Total Dollars	Avg. Con.	% from Individuals	# Cons. from Individuals	% of \$ from Small Donors
Total	22	10,373	\$11,876,440	\$1,145	92%	9,551	3%
Avg.	n/a	472	\$539,838	n/a	n/a	434	n/a
Count. Exec.	4	3,782	\$9,953,272	\$2,632	89%	3,379	1%
All Council	18	6,591	\$1,923,168	\$292	94%	6,172	20%
At Large	8	2,316	\$510,846	\$221	94%	2,179	16%
Dist. 1	4	2,322	\$899,205	\$387	96%	2,236	12%
Dist. 2	3	137	\$46,546	\$340	77%	105	13%
Dist. 3	1	985	\$216,731	\$220	98%	965	17%
Dist. 4	1	4	\$1,050	\$263	100%	4	5%
Dist. 5	1	827	\$248,789	\$301	83%	683	13%

Table 3: Results among all candidates who participated in the matching program

	# of Candidates	# of Cons.	Total Dollars	Avg. Con.	Matching Dollars	Avg. Con. W/o Match	% from Individuals	# Cons. from Individuals	% of \$ from Small Donors and Match
Total	35	21,900	\$7,157,914	\$327	\$5,219,441	\$89	99%	21,735	97%
Avg.	n/a	626	\$204,512	n/a	\$149,127	n/a	n/a	621	n/a
Count. Exec.	4	8,722	\$3,365,262	\$386	\$2,663,721	\$81	99%	8,667	99%
All Council	31	13,178	\$3,792,652	\$288	\$2,555,720	\$94	99%	13,068	95%
At Large	22	10,698	\$3,070,438	\$287	\$2,068,029	\$94	99%	10,637	95%
Dist. 1	4	1,128	\$318,849	\$283	\$205,221	\$101	99%	1,113	93%
Dist. 2	1	401	\$102,430	\$255	\$76,095	\$66	98%	392	100%
Dist. 3	1	510	\$180,390	\$354	\$125,000	\$109	97%	495	97%
Dist. 4	1	162	\$50,490	\$312	\$37,275	\$82	98%	158	98%
Dist. 5	2	279	\$70,055	\$251	\$44,100	\$93	98%	273	88%



September 17, 2019

**Testimony on CB 19-0304 –
Fair Election Fund - Establishment and Administration
Judiciary Committee**

Position: Favorable

Common Cause Maryland strongly supports Council Bill 19-0304, which would implement the Charter Amendment passed at the ballot last November and create a Fair Election Fund system for Baltimore City candidates.

History

Public funding has become a focus from the national to the local level over the past few years. Congressman Sarbanes has introduced legislation that would create a public funding program for Congressional campaigns. The General Assembly took a significant step forward in 2013 by enabling local governments to establish public funding for local races, and followed that with legislation in 2015 restoring the funding source for the state's gubernatorial Fair Campaign Finance Fund. (The fund was used by Delegate Mizeur and Governor Hogan in their respective 2014 campaigns.)

Montgomery County took the lead at the local level, passing the first program in Maryland in September 2014 which was successfully used during the 2018 election cycle, followed by Howard and Prince George's County. Common Cause Maryland was proud to provide research and guidance to these counties in drafting legislation, and we are very excited to see further interest in public funding programs spread to Baltimore City. Bill 19-0304 takes the best elements from legislation passed in other jurisdictions to create a program for Baltimore City Council, Mayor, and Comptroller races, and makes Baltimore City a leader on investing in a thriving democracy.

Citizen funded campaigns serve a number of critical benefits:

- They allow candidates from diverse backgrounds to run for office, without needing the major donor networks that would otherwise be essential to launch a campaign;
- They allow every day citizens to invest in, and feel invested in, their democracy;
- They allow candidates to run a campaign focused on communities and citizens;
- They ensure that special interests cannot gain a special influence in elections – or the policy decisions made after the election is over.

In a 2009 Gonzales poll, 70% of Marylanders favored using public money to pay for political campaigns. And public funding is working in the states that have adopted it. According to analysis of the Connecticut program:

- 77% of state legislators who were elected in 2012 ran on public funding;
- Latino representation in the state legislature increased 33% after the program was implemented;
- Policies adopted after public financing was implemented were more aligned with the public's preferences.

Or take the example of New York City Council races (where there is a small dollar, matching program) vs. races for the New York Assembly, which does not have public financing. Data shows that small donors to City Council candidates come from a much broader array of city neighborhoods than do the city's small donors to State

Assembly candidates. Small donor matching funds help bring participants into the political process who are traditionally less likely to be active, and strengthens the connection between public officials and their constituents.

Special interest funding is increasingly determining the outcome of elections. In our analysis of the 2016 election, we found that the cost to run for office in Baltimore City rose over steeply in five years leading up to that election – 25% for the Mayor’s race, and over 50% for Council races. The mayoral campaign was the most expensive in decades and the increase in funds was not coming from growth in the number of small-dollar donors, but rather a staggering increase in the average donation to mayoral campaigns. The average donation size to winning mayoral candidates increased from \$525 in 2007 to \$681 in 2011, then nearly doubled to \$1,119 in 2016. In other words: More wealthy donors are donating more, whether as individuals, from businesses, or through PACs.

This spike in campaign costs is both a reflection of the changing campaign landscape and a call to action for stronger state laws and enforcement. Baltimore City has answered that call to action with the Fair Election Fund which gives candidates another choice: focus on constituents throughout the campaign and keep the focus on constituents throughout the legislative process. Public funding cannot fight the escalating cost of elections; only the Supreme Court can reverse that disturbing trend. But public funding can shift the focus of campaigns away from special interests and back to everyday constituents helping to create a democracy in Baltimore City that is robust and vibrant.

Conclusion

The voters of Baltimore City supported Question H; 75% voted to establish a Fair Election Fund and Commission. They agreed that these programs strengthen our democracy by keeping special interests out of elections, giving voters more confidence in the process, and empowering more diverse candidates to participate.

We urge a favorable vote on Bill 19-304, including the amendments put forth by Councilman Burnett, which is a critical investment in elections in Baltimore City.



1199SEIU

United Healthcare Workers East

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Ruth Heller
Kwal Kin (David) Ho
Todd Hobler
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Ana Vazquez
Julio Vives
Margaret West-Allen
Nadine Williamson-Seals
Noreen Wray-Roach
Gladya Wrenick
Sui Ling Xu

Comments in support of #19-0403

September 16th, 2019

Dear Judiciary Committee Chair Costello:

1199SEIU United Healthcare Workers East, the largest healthcare union in Maryland representing caregivers in hospitals, nursing homes and clinics, respectfully asks for a favorable vote of the Ordinance to implement the Fair Elections Fund (Council Bill 19-0403).

This legislation will truly democratize elections and serve as a game changer for how people run for office and win in Baltimore. It will fundamentally change how and where candidates campaign to ensure they spend more time with their potential or current constituents raising money and hearing their concerns. Finally, Fair Elections would help ensure all voices are at the table: the match would give candidates a strong incentive to fundraise and meet residents across the city.

As a labor union with a political action committee, we are specifically excluded from donating or coordinating with these candidates. We support this legislation despite that because of the reasons above and because we know that leveling the playing field for what makes a candidate viable will result in fairer elections. Our members know that a stronger democracy is the best way to raise their quality of life and the lives of all working families in Maryland.

We thank Councilman Burnett for introducing the bill and the Committee members Clarke, Bullock, Reisinger, and Sneed for their Co-Sponsorship.

Thank you for your consideration.


Ricarra Jones
Maryland/DC Political Director
1199SEIU United Healthcare Workers- East

cc: Baltimore City Council Members

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Daniel J. Ratner

CHIEF FINANCIAL OFFICER & DIRECTOR OF ADMINISTRATION
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**Testimony of
Wendy Fields
Executive Director
Democracy Initiative**

Before the Baltimore City Council Judiciary Committee

September 17, 2019

Dear Chairman Costello:

Thank you for this opportunity to express our strong support for the Baltimore Fair Elections Fund.

My name is Wendy Fields and I am the Executive Director of the Democracy Initiative, a dynamic coalition of issue-based groups working collectively to advance democracy reforms across the country. We are 72 partners from the labor, environment, civil rights movement representing 45 million members- thousands of whom live and advocate for kitchen table issues in Baltimore. Our shared vision for a 21st century democracy is clear: reduce the power of big money in politics, expand voting rights, and create fair representation.

The Democracy Initiative has mobilized members across the country to stand up for a democracy that works for all, not just corporate or big money interests. Leveling the playing field for participation is essential for our members to be able to advocate for the kitchen table issues that matter most – from clean water to criminal justice reforms to a living wage.

A reflective democracy is centered on the needs of the people and reflected in our budgets, our policies, and our programs. Our members demand fair and clean elections because it stems the tide of corruption and prioritizes issues that move us forward as a community.

The Baltimore Fair Elections Fund is a vital step in returning power to the people by amplifying the impact of small donations by ordinary Baltimoreans and countering the tremendous inequality of influence by corporations and wealthy interest that undermine our collective agenda. When the people of Baltimore overwhelmingly voted for Yes on H, they sent a clear message that, moving forward, their city will be defined by their leadership on democracy reforms.

The people of Baltimore have spoken at the ballot box and said: we are ready to lead on creating a more vibrant democracy. Now, it is time for the Baltimore City Council to follow.

You already know the numbers. You know the makeup of the donor class does not reflect the racial and economic diversity of Baltimore residents. You know that, in 2016, 76% of the money raised by candidates in Baltimore City elections was from contributions of \$500 or more. You know that almost half of the donations come from outside of Baltimore and that those outside donors are usually much larger than the contributions of Baltimoreans.

A recent 2019 report “Big Money in the Charm City” by Democracy Initiative partner Demos on Baltimore’s donor class reveals a disproportionately wealthy, white, and male donor class fuels some of the city’s most important races. Donors to the 2016 mayoral and city council elections were 64 percent white and 59 percent male, and nearly a half of donor households—48 percent—made over \$100,000 per year. The city of Baltimore is 30 percent white, 47 percent male, and only 20 percent of the population makes \$100,000 or more.

And you know that this is not right. It is not in the best interests of the city. And it is not what the people want. Knowing all this, should we be surprised that Baltimoreans do not feel the city is responding to the issues that impact their daily lives?

Baltimore is not alone. Empowered by the Supreme Court corporations and wealthy donors continue to flood our political system at dangerously record levels election after election. To combat the destructive influence of big money in politics, cities, counties and states across the country have enacted innovative and common-sense campaign finance reforms.

Baltimore and Maryland as a state have an opportunity to be leader across the country. They join other communities in states like Washington, Connecticut, New Mexico, and New York, as well as Howard County, Prince George’s County, and Montgomery County here in Maryland.

The Democracy Initiative stands with the people of Baltimore and their desire to have the Fair Elections Fund in place, ready to end the stranglehold that big donors and non-Baltimore donors currently have over the financing of campaigns.

The Fair Elections Fund is not only critical to a more just and representative Baltimore that is responsive to people who can’t afford to write campaigns checks for \$500 – which is to say, 99% of Baltimoreans – it is also critical to reasserting the city’s role as a leader in the state of Maryland.

Similar initiatives and similar legislation have been enacted in counties across Maryland. When Baltimore implements its Fair Elections Fund, we will start a groundswell for similar campaign finance reform at a statewide level, ending the influence of corporate dollars and returning power to the people that politicians are elected to represent.

Council Bill 19-0403, the Ordinance to establish the Fair Elections Fund will invest in Democracy and all of Baltimore will benefit.



September 16, 2019

Dear Baltimore City Council Judiciary Committee,

Clean Water Action is a national environmental advocacy organization with over 11,000 members in Baltimore City. We work for swimmable, fishable waters in Maryland, for safe drinking water, and for environmentally healthy communities, and because of these commitments, we write in support of Bill #19-0403 for the establishment and administration of the Fair Election Fund.

The ordinance lays out the details and operation of the Fair Elections Fund small donor matching program and independent commission as authorized by voters in November by a 3 to 1 vote. With this Fair Elections program in place, candidates can fundraise from many small donors in Baltimore instead of courting big donors. By matching small contributions, it enables candidates to run on broad grassroots support and elevates the power of small donations from Baltimore families. This will expand who can run for office, and enable candidates seeking re-election to run a different type of campaign.

The Fair Election Fund is an important investment in our democracy, and in our city's public health and environment. Every day, we hear from Baltimore families who care about the health of the bay and the stream next door, the litter in their neighborhood and dumping in their parks, truck exhaust, transportation options, and the safety of their drinking water. But these concerns of the average Baltimorean are different than the concerns the deep pocketed donor, who may or may not be invested in or even living in the City. Just as we invest in the systems that keep our parks, streets, and infrastructure safe, we need to invest in the Fair Elections Fund so that the concerns of Baltimoreans about their health and environment are given just as much weight as deep-pocketed donors. This will change how and where candidates for local office campaign and encourage all Baltimoreans to participate – a win for our democracy, our public health, and our environment.

With this legislation, Baltimore City will be one step closer to taking action to reform our campaign finance system, strengthen our democracy, and elevate the quality of life issues that also lead to a cleaner, greener, healthier environment. We urge you to vote favorably on Bill #19-0403.

Thank you,

A handwritten signature in blue ink that reads "Jennifer Kunze".

Jennifer Kunze
Maryland Program Manager
Clean Water Action



GET MONEY OUT

Maryland

www.GetMoneyOutMD.org
www.facebook.com/GetMoneyOutMD
twitter.com/GetMoneyOutMD
[Instagram.com/GetMoneyOutMaryland](https://www.instagram.com/GetMoneyOutMaryland)

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**TESTIMONY IN SUPPORT OF 19-0403 - FAIR ELECTION FUND -
ESTABLISHMENT AND ADMINISTRATION
Submitted by Charlie Cooper, President
September 17, 2019**

Get Money Out is an all-volunteer organization that was established almost seven years ago in Maryland. We now have over 8,200 citizen supporters working to restore balance and integrity to the political systems of Maryland and the United States so that all citizens have equal access to the ballot and an equal say in governance. We have contributed many tens of thousands of hours of organizing work toward securing a U. S. Constitutional amendment that would affirmatively guarantee every citizen's right to vote, reserve constitutional rights to human beings, and overturn the Supreme Court's disastrous decision in *Citizens United v. FEC* (2010). I am President of the group and have been a Baltimore City resident since 1970. I live in Coldspring Newtown very near my Councilperson, Sharon Green Middleton.

We thank Councilperson Burnett for introducing this bill. We enthusiastically support 19-0403 because matching small donor contributions with public funding is a valid way to strengthen the power of individual citizens in the political process. In addition, public funding is a way to counter the disproportionate influence of big money in politics. Candidates who would apply and qualify for public funding under this bill would be restricted from accepting large contributions from corporations, individuals, or political action committees.

Ninety-six percent (96%) of US voters believe that big money in our elections is at least partly responsible for our dysfunctional political system. This helps drive cynicism and voter apathy that we at Get Money Out see as the most dangerous force in our national politics. Currently, many candidates spend fundraising time communicating with those who can contribute higher amounts. The proposed legislation would counter this threat in important ways:

- Candidates for office who accept public financing would have a strong incentive – based on the matching rates – to spend more time talking to low- and middle-income voter in their districts.
- Citizens who contribute \$5 or \$150 to a local candidate would feel that they have a greater attachment to and investment in local officials

Montgomery County had a very successful implementation of a similar public financing system in its 2018 election. Despite well-funded opposition to the publicly-funded candidates, the election results showed that citizens preferred those candidates.

Maine has employed public financing for its legislative elections since 2000 under the Maine Clean Elections Act. In the 2012 election, 63% of 384 candidates for office chose to use public financing.ⁱ In November of 2015, Maine voters passed a referendum to expand the system and require additional disclosure.ⁱⁱ

Enacting this small-donor matching bill for Baltimore City will help us avoid some aspects of the damaging interference by big money interests in the future. The voters approved the creation of the fund at the polls by a 3-1 margin and are expecting a robust program to be implemented. Therefore, we ask for your strong support of 19-0403

ⁱ <http://www.maine.gov/ethics/pdf/Overview2000-2012forAppropriations02262013.pdf>

ⁱⁱ http://www.huffingtonpost.com/entry/maine-public-financing_us_56396cboe4b0307f2cab385b



THINK JEWISHLY. ACT LOCALLY.

**TESTIMONY IN SUPPORT OF
The Fair Election Fund**

TO: Chairman Eric Costello and members of the Judiciary Committee
FROM: Toby Ditz, Baltimore City District II Constituent

My name is Toby Ditz. I am a member of *Jews United for Justice*, and I have lived in Baltimore City for over 36 years—well over 30 of them in Bolton Hill, Chairman Eric Costello's district.

I want to thank Councilman Burnett and the co-sponsors for supporting this important legislation.

I was one of the great majority of Baltimoreans who voted for the Fair Election Fund when it was on the ballot in 2018, and I—probably like a lot of people—thought my vote meant that it was a done deal. So, I urge you to pass the bill partly because you have a mandate to do so.

Baltimoreans also understand what this program can do. I was asked to summarize how the fund worked at a community meeting in West Baltimore late last June. There were 30 or 40 people in the room, and they easily appreciated, for example, the egalitarian implications of the cap on individual donations.

But the feature that got people *most* excited was the steeply stepped matching fund. If you do not have a lot of money to spare, what you think now is, "*my five dollars is just not going to make any difference,*" and let's face it you'd likely be right.

But it is empowering—and exciting—to know that your five-dollar donation will become fifty dollars, especially when those top contributions are capped. Then you can really see that that *your* contribution counts just about as much as anyone else's. *That's* equality.

By balancing the scales, this bill will heighten participation in elections. Democracy where it counts the most: at the ballot box. I respectfully urge a favorable vote for Council Bill 19-0403.



JONATHAN S. WEINSTEIN

302 W LAFAYETTE AVENUE
BALTIMORE, MARYLAND 21217

Thank you, Chairman Costello, Vice Chairwoman Clarke, and committee members, for the opportunity to testify today on Council Bill 19-0403. My name is Jon Weinstein. I am a former elected member of the Howard County Council and the author of Howard County's Fair Elections ballot question and enabling legislation which passed in 2016 and 2017, respectively. More important than my experience as a legislator is my present status as a proud (and recent) Baltimore City resident in the Bolton Hill community. My testimony is from the perspective of my Fair Elections experience and as someone with a vested interest in the future of our great American City!

In two of my three elections, I ran as a small business owner, with a built-in network and a unique set of experiences unlike many other candidates. I drew a lot of support from the business community because there are very few business owners who seek or hold elective office. I believe it made fund raising a bit easier, though definitely never much fun. As you know all too well, running an effective campaign takes significant financial resources. This fact is a fiscal and emotional barrier to entry for many people who would otherwise consider running for office. Quite honestly, it prevents many folks from running who SHOULD be elected to represent their community.

I have talked to elected officials across the state who have considered similar Fair Elections programs. You may be thinking of the same questions I discussed with them, "*Why do we need this program in my jurisdiction? We don't have a problem here.*" When I considered this legislation, while I believed it to be the right thing to do given the politics of our time and the abuses of other elected officials, I also knew that I was playing by the rules and contributions to my campaign would not influence my decisions. As I deliberated the merits of a fair elections program in Howard County, I realized the issue wasn't about me or my colleagues who followed the rules. I believe this issue is more about our shared future and the need to repair an election system that the people we represent believe is broken and whose outcomes they don't trust.

I also heard all the opposition to this legislation...

- *The program redirects money away from other critical needs* - Taxes go to pay for the equipment we use to vote, to enable more efficient elections. Providing funds to the actual people running in those elections is a more meaningful and substantive way to improve our elections and restore citizens' faith in the process.
- *I don't want my tax dollars going to candidates I don't support* - We're paying the politicians once they're elected, so why wouldn't we want to encourage more qualified people to seek elective office by minimizing the barrier to entry
- *Politicians shouldn't be paid to campaign* - The Baltimore Fair Elections program will encourage candidates to seek out wider support among many **BALTIMORE** voters, and not focus on the deep pockets of fewer donors who may not live here.

The intent of Fair Elections legislation around the country is to return our democracy to the people! This legislation will promote to important goals:

1. Helping people to raise their voices to a level that is equivalent to those with more resources - companies, PACs, and wealthy individuals; and,
2. Encouraging citizens interested in serving their community to seek elective public office.

Email: Jon.Weinstein.Work@gmail.com

Phone: [443.420.7320](tel:443.420.7320)

I believe these goals are based on unquestionable truths and fair election legislation is essential to repairing our fraying democracy. On a more practical level, I believe by participating in Baltimore's Fair Election program, elected officials and candidates alike will spend more quality time with the people they serve or wish to serve. The multiplying effect on small donations will broaden participation in our political process and shift the focus of elections from raising money to get out their message to raising money because of their message. For these reasons, and many more I don't have time to elaborate upon, I urge you to pass CB 19-0403.

I applaud Councilman Burnett's and his co-sponsors' leadership on this critical issue and appreciate the time he has taken to talk with me and others about this legislation. I look forward to answering any questions and will make myself available to any member who is interested in learning more about my experience in Howard County and how to make the Fair Elections program work in Baltimore.

Thank you.

Jon Weinstein



Tuesday, September 16th, 2019

To Chairperson Eric Costello:

My name is Dave Heilker. I'm a resident of the 12th District, and a lifelong Baltimorean. I want to start by thanking Councilmember Burnett for his leadership and vision in introducing this bill. I would like to also thank the co-sponsors on this bill.

As a candidate for Baltimore City Council who has previously worked on multiple campaigns throughout our beautiful city, I urge you to support this ordinance. Many of our residents – especially vulnerable residents in lower income communities – are on the very last threads of confidence with the electoral process in Baltimore.

In a city that has been scarred, very recently, by inequity and scandal, it is **time to provide more transparency and accountability to our residents, especially in the election and campaign process.**

The Fair Election Fund also creates more opportunities for residents who are **not** members of the politically-connected class to become voices for their own communities. This reinforces our democracy at a time when it needs all the strength it can get.

The implementation of this fund, as outlined in this ordinance is an important step to reestablishing trust with our residents.

I stand in strong support of this ordinance, and look forward to the Council's recommendation on the creation of a funding source.

Thank you Chairperson Costello and members of the committee for adding this testimony to the record.

In solidarity,

Dave Heilker
443.328.3124 • daveforbaltimore@gmail.com
Daveforbaltimore.com • facebook.com/daveforbaltimore

By Authority: Dave Heilker for Baltimore. Jevon Hamlet, Treasurer.





Join the Movement.
Claim Your Power.
Change the System.

**TESTIMONY IN SUPPORT OF 19-0403 - FAIR ELECTION FUND -
ESTABLISHMENT AND ADMINISTRATION**

Thank you for the opportunity to testify on Bill #19-0403. Progressive Maryland is a grassroots, nonprofit organization with over 125,000 members and supporters statewide. In addition, there are dozens affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our strong support for this bill.

As someone who has run for office, I understand the push and pull of priorities and how fundraising from high dollar donors can often take time away from the ever important time with constituents. Bill #19-0403 provides an additional, opt-in path for candidates running for Baltimore City elected offices to raise the funds required to run for office by establishing a small donor campaign finance program. By turning ordinary residents into major donors to a campaign, Bill #19-0403 benefits residents by encouraging candidates to spend more time engaging one-on-one with them, and empowering residents to make significant contributions to their favorite candidates to help them get elected.

The program also benefits candidates by allowing them the freedom to focus on serving and interacting with residents throughout their campaign and after their election without feeling forced to split their time between traditional fundraising and earning votes. As others will testify to today, Montgomery County's Fair Elections program has proven popular with residents, and is in use by a number of incumbents who formerly fundraised in the traditional manner.

For relatively low costs of a few dollars per resident per year, small donor programs multiply \$10, \$25, or \$50 donations from residents several times over. Increasing the impact of grassroots donations in this way encourages greater participation from residents in local elections and frees up considerable time for candidates and elected officials to serve the people of Baltimore City. Just as we pay for poll workers and voting machines, this is a critical investment in the health of our democracy.

Progressive Maryland believes that public funding is a win-win for voters and for candidates.

Elizabeth MacKenzie
Director of Legislative Organizing
Progressive Maryland
Beth@progressivemaryland.org





TESTIMONY TO THE JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

CB 19-0403 Fair Election Fund – Establishment and Administration

POSITION: Support

BY: Lois Hybl

DATE: September 17, 2019

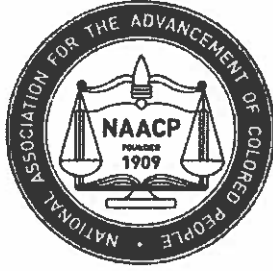
Members of the League of Women Voters of Baltimore City believe that public funding will enable candidates for city offices to compete more effectively for political office, promote citizen participation in the political process and reduce the influence of campaign contributions on decision making by elected officials.

Montgomery, Howard and Prince George's County along with Baltimore City have affirmed the advantages of public financing by passing legislation to establish such a program. Montgomery was the first jurisdiction to implement public funding. 22 candidates took advantage of the program in 2018. The current County Executive won his race thanks to small donations from hundreds of voters and public funds. 33 candidates ran for the 4 At-Large County Council seats. All 4 of the candidates who won, did so by participating in the public financing program.

We need a campaign financing system for Baltimore City Elections which will allow candidates to be more competitive, regardless of their access to big money contributors; will control the rising costs of campaigns; and will free candidates from constant fundraising. If public financing restores the faith of people in government by reversing the impression that our elected officials work for big donors and not the people, the impact is worth the expenditure.

We ask for your strong support of Council Bill 19 0403.





Baltimore City Branch of the NAACP

Reverend Kobi Little, President
Joshua Harris, First Vice President
Charly Carter, Political Action Chair

8 West 26th Street • Baltimore, MD 21218
www.naacpbaltimore.org

Baltimore City has long been described as a Tale of Two Cities, separate and unequal, one that sees investment and one that seems to be overlooked. One that sees a government with a ready response, and another that wonders if the City still provides basic services like trash pick up and street cleaning. Baltimore's democracy has long been dominated by one of the two Baltimores – a small, powerful donor class comprised of wealthy individuals and corporations who have more say than everyday people. These elite donors are more likely to be white, male, and have different political views than the rest of the city.

According to Big Money in the Charm City, a 2019 report released by national policy think tank, Demos, 76% of the money raised by candidates in the 2016 Elections came in the form of large contributions of \$500 or more. The report shows that while Baltimore City is 30 percent White and 47 percent male, campaign donors were 64 percent White and 59 percent male.

When the study looked at income, the Tale of Two Cities was even starker: nearly half of campaign contributions came from individuals with a family income of \$100,000 or more. Only 15 percent of Baltimore City families are fortunate enough to fall into this category. To sum it up, nearly 50 percent of the contributions came from just 15 percent of the population.

If we posited this same distribution of influence in nearly any other circumstance, we would all be crying foul. If the votes of one district counted three times more than those in another, we would immediately say it was undemocratic. If students in one school were awarded three times the points for homework, parents would say it was an outrage. And yet, our political system regularly gives three times more access to those with the means to write big checks.

The report also found that donors from outside of the City also play an outsized role in elections, with 43 percent of contributions coming from other states. Those contributions are on average 50 percent higher than contributions of Baltimore City residents, further watering down local power. The average contribution from corporations, and other non-individuals was \$1,236 verses \$403 from individual donors.

CB 19-0403 --The Fair Elections Fund redistributes power by allowing small donors to have a greater impact on local elections. The voluntary program encourages contributions from small donors who live



in Baltimore City by matching those contributions with public dollars with contributions maxed out at \$150. As we've seen from programs across the country, matching funds encourages candidates to seek contributions from the people they would represent in office, and in amounts the average person can afford to make, The Fair Elections Fund provides the matching funds to boost those small contributions and ensure these candidates can remain competitive with those taking big checks. This system reduces the influence of big money and encourages candidates to seek small donations from everyday people.

The outsized influence of big money on Baltimore City elections has had another impact on our Democracy, one that most on the Baltimore City Council have experienced, the rising cost of campaigns themselves. We know from looking at national trends, that the rising costs of campaigns is fueled by the increase in large donations. The cost to run for Mayor in Baltimore City increased 25 percent for the Mayor's race between 2012 and 2017, and the cost to run for Council has increased by 50 percent. This means more of your time must be spent raising funds, instead of working to solve the immense challenges facing our city.

In 2016, Baltimore City candidates who won a district seat raised \$142,000 on average. The total raised in the Council President's race was \$798,000, and the total raised in the Mayor's race was \$2,790,447. At the same time, the average donation to winning mayoral candidates increased from \$525 in 2007 to \$681 in 2011, then nearly doubled to \$1,119 in 2016. In the last 3 election cycles, about half of the money raised by mayoral candidates has come from non-individuals, and about 1 in every 3 dollars raised has come from out of state.

We can do better for the people of Baltimore. We must restore the community's faith in our political system and belief that their voices count regardless of which Baltimore they reside in. The Fair Elections Fund is an important step in rebuilding our Democracy to ensure that everyone is included. For this reason, the Baltimore City Branch of the NAACP urges you to pass CB19-0403.




Rev. Brian Murray, BRIDGE Maryland

Ladies and gentlemen for those of us that both live IN the city and travel other places, as some of YOU probably do, NONE of us have to do any extra explanation when we say we are from Baltimore. We've all met people with a relative from Silver Spring or Frederick or somewhere in the region and they say they have visited our Inner Harbor, enjoyed our seafood, or loved attending a game at Camden Yards. That's great. However, in recent years, because of a Freddy Gray uprising, a subsequent DOJ Consent Decree levied on the BPD, and now less than transparent financial transactions, Baltimore has attracted a national spotlight. We can try to ignore, minimize, or dismiss that fact, but it's not changing and for now, it's not going away. Whenever shortcomings and struggles of urban centers are mentioned on the news we are right there with St. Louis, and Detroit, and Chicago. And this is not about assigning individual blame. This is about collectively

So here you are, a group of public servants trying to address the murder rate; the school system; the vacant housing and rampant homelessness problem; the opioid crisis; and trying to address the joblessness. And now, even though you may not have had anything to do with it, there is a public perception that Baltimore is not going to be pulled out of crisis because City Government is corrupt and has no transparency. Good people, some of you new, and some of you with long resumes, now have to try to do your jobs in a court of public opinion that wonders about individual self-interest. Once again, we can stick our heads in the sand, but all you have to do is read the Sunpaper online, or the Baltimore Brew, or whatever local news outlet you desire and go to the comments section. There is a significant portion of our citizenry that wonder about transparency. Yes, some of your constituents like you





and your work. But they think that the collective City Government is has elements of corruption, and because of that the benefit of the doubt is a thing of the past. We're not going to be able to wait until this thing, this "perception is reality thing" dies down. We got people like the President and others that want to use us as a scapegoat.

In this particular political climate we don't need to debate the passing of a bill that presents the electoral process as an even playing field for all. There are several other jurisdictions in this state adopting a Fair Elections Funding bill, this measure really doesn't injure the effects of incumbency, and the response to the suspicion of corruption will be an effort towards transparency. Sure we'll have to work on some details for funding, but this bill needs to be the platform upon which to build and repair city government transparency. For any beneficiaries of the donor class, I look around the city and it appears you've done everything you were supposed to do. But let me offer advice that my late grandmother, Willie Mae Lipscomb, gave me when I was mulling over a choice in my mind that really had an obvious answer. She said, son you do what you want to do, but let me warn you, don't give them a stick to beat you over the head with! This is a values issue, a public transparency issue, as much as a process issue. The way things are currently being done has a shelf life with an expiration date. Council members, each of you are being urged today to vote for this bill. Why? Because it's gonna be a long road back to gaining this city's confidence, and it will be an even longer one without some systemic change. On the behalf of BRIDGE Maryland I thank you.

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City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary Committee

Tuesday, September 17, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0403

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0403

Fair Election Fund - Establishment and Administration

FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

Sponsors:

Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Zeke Cohen, Shannon Sneed, Sharon Green Middleton, Danielle McCray, Mary Pat Clarke, Edward Reisinger, President Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC





BILL SYNOPSIS

Committee: Judiciary

Bill 19-0403

Fair Election Fund - Establishment and Administration

Sponsor: Councilmember Burnett, et al
Introduced: June 24, 2019

Purpose:

For the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

Effective: Upon enactment in part, and January 1, 2021 in part

AGENCY REPORTS

Environmental Control Board	No Objection
City Solicitor	
Department of Finance	



ANALYSIS

Current Law

Article I, § 15 of the Baltimore City Charter authorizes the Mayor and City Council of Baltimore to establish by ordinance a fund to support a public financing option for political campaigns for Baltimore City elected offices. The fund must be administered by the Baltimore City Fair Election Fund Commission, and no money may be dispersed from the fund without authorization by the Commission.

The Commission consists of 11 members, appointed as follows:

- (i) 2 members appointed by the Mayor;
- (ii) 3 members representing organizations focused on government reform, appointed by the Mayor;
- (iii) 1 member representing an organization advocating for the interests of City business owners, appointed by the Mayor; and
- (iv) 5 members appointed by the President of the City Council.

Each member of the Commission must:

- (i) be a resident of the City of Baltimore;
- (ii) not be a candidate for public office;
- (iii) not be a lobbyist required to register with the City;
- (iv) not be the chair or treasurer for an open campaign account;
- (v) be a registered voter; and
- (vi) be confirmed by the City Council.

Article 5 of the Baltimore City Code establishes various provisions related to finance, property, and procurement.

Section 13-505 of the Maryland Election Law Article authorizes counties and Baltimore City to establish, by law, systems of public campaign financing for elective offices in the executive or legislative branches of their jurisdictions. Section 13-505 also outlines general requirements and restrictions for those public campaign financing systems.

Bill Summary

The bill adds a new Subtitle 11 to Article 5 (Finance, Property, and Procurement) of the Baltimore City Code to create and provide for the administration of the Fair Election Fund (Fund) authorized by Article I, § 15 of the Baltimore City Charter. The goal of the bill is to encourage greater voter participation in City elections, increase opportunities for more



residents to run for office, and reduce the influence of large individual and corporate contributions on City government.

Fair Election Fund Commission

The Fair Election Fund Commission (Commission) is responsible for administering the Fund, and the Department of Finance is required to provide staff support. The Director of Finance (Director) is required, in consultation with the Commission, to adopt rules and regulations to carry out the provisions of the subtitle.

The Commission's specific duties and responsibilities include:

- Authorizing all disbursements from the Fund.
- Submitting an annual report to the Mayor and City Council on or before January 1 of each year estimating the funds needed for the following fiscal year, recommending an appropriation for the following fiscal year, and recommending dedicated sources of funding if necessary.
- Meeting at least once every 90 days during the 12 months preceding a primary election, and at least twice a year otherwise.
- Conducting community outreach and education to ensure that candidates and voters are informed on the Fund, including developing and distributing educational materials and providing training to candidates and campaigns.
- Conducting a comprehensive review of the public financing program after each general election, including engagement with community members and community-based organizations. The review must analyze data on contributions and disbursement, address disparities regarding access to public funds by participating candidates, consider other specific criteria, and recommend any necessary legislative action.

Process and Qualifications for Candidates

A candidate who wishes to participate in the public campaign financing system must file a notice of intent with the State Board of Elections and establish a publicly funded campaign account prior to raising any contributions under the subtitle. A candidate applying for public financing may not accept an aggregate donation in a 4-year election cycle from an individual that exceeds \$150 or a loan, except that a candidate may accept a loan or contribution of up to \$6,000 during an election cycle from themselves or their spouse. The \$150 contribution limit must be adjusted for inflation every four years beginning July 1, 2028 based on the local consumer price index.



Once a candidate has met the qualifications for certification, the candidate must apply for certification to the State Board of Elections and include specific documentation of contributions, expenditures, and other items with their application.

To qualify for certification a candidate for Mayor must collect at least 500 qualifying contributions¹ and an aggregate total of \$40,000. A candidate for City Council President must collect at least 250 qualifying contributions and an aggregate total of \$15,000. A candidate for Comptroller or City Councilmember must collect at least 150 qualifying contributions and an aggregate total of \$5,000. A candidate must deposit all contributions into the candidates publicly funded campaign account and provide certain documentation to the State Board of Elections. A candidate who failed to submit a required campaign finance report in the four years preceding the election-cycle, coordinated with a political action committee, or violated a rule or regulation adopted under the subtitle is ineligible for certification.

Within 10 days of receiving a complete application for certification, the State Board of Elections must make a recommendation to the Commission. The Commission must certify or deny the applicant candidate within 5 days of receiving the State Board's recommendation. If the candidate is certified, the Commission must authorize the Director to disburse a public contribution to the candidate's publicly funded campaign account. If the Commission denies an application, the candidate may resubmit a new or modified application within the specified time.

Calculation and Distribution of Public Contributions

On authorization by the Commission, the Director must distribute a matching public contribution from the fund to each certified candidate. **Note: It is not clear whether additional matching public funds will be distributed to participating candidates between the initial distribution upon certification and the primary election. Prince George's and Howard County's public campaign financing ordinances specifically provide that a "certified candidate may continue to collect qualifying contributions and receive a matching public contribution up to a primary or general election."** The new subtitle 11 does not contain similar language.

For a candidate for Mayor or City Council President the matching amount for each qualifying contribution is calculated as follows:

¹ A qualifying contribution is an aggregate donation from an individual City resident during a four-year election cycle no greater than \$150 (as adjusted for inflation), that is made during the specified time, and is acknowledge by a receipt meeting certain standards.



Qualifying Contribution	Public Match Amount
For the first \$25.00	\$9.00 per dollar
For the next \$50.00	\$5.00 per dollar
For the final \$75.00	\$2.00 per dollar

For a candidate for Comptroller or City Councilmember the matching amount for each qualifying contribution is calculated as follows:

Qualifying Contribution	Public Match Amount
For the first \$25.00	\$9.00 per dollar
For the next \$50.00	\$5.00 per dollar
For the final \$75.00	\$0.00 per dollar

For a candidate for Mayor or City Council President, the matching public contribution for a \$150 qualifying contribution would be \$625. For a candidate for Comptroller or City Councilmember, the matching public contribution for a \$150 qualifying contribution would be \$475.

The Director must also disburse a “qualifying boost” of \$200,000 to each candidate for Mayor and of \$50,000 to each candidate for City Council President. A candidate may not receive more than one qualifying boost during an election-cycle.

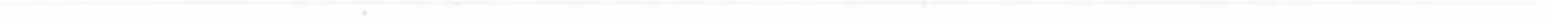
Following the primary election, the Commission must authorize the Director to continue disbursing the appropriate public contribution for the general election for each participating candidate. Candidates nominated for the general election by petition or by a non-principal political party may receive a public contribution if they meet certain requirements.

Maximum Public Contribution

The total public contribution payable to a certified candidate for a primary or general election, excluding any qualifying boost, may not exceed \$1,500,000 for candidates for Mayor, \$375,000 for candidates for City Council President, \$200,000 for candidates for Comptroller, or \$125,000 for candidates for City Councilmember.

Fund Insufficiency

On or before July 1 of each year preceding a primary election, the Director must determine if the amount in the Fund is sufficient to meet the maximum public contributions and qualifying boosts reasonably expected to be required during the next election cycle. If the Director determines that the total amount is insufficient, the Director must reduce each public



contribution and qualifying boost to each candidate by the same percentage as the total public contribution.

Return of Unspent Funds and Withdrawal

A participating candidate who does not advance to the general election must return to the Fund any unspent money in the candidate's publicly funded campaign account within 30 days. A candidate in the general election must return to the Fund any unspent money in the candidate's publicly funded campaign account by December 31 after the general election.

A candidate may withdraw from public financing prior to a primary or general election. A candidate whose publicly funded campaign account has not yet received the public contribution may withdraw at any time. A candidate who has received a public contribution must file a "statement of withdrawal" and repay to the Fund the full amount of any public contribution plus interest accruing from the date of the withdrawal. A withdrawing candidate whose publicly funded account does not have sufficient funds to repay the public contribution is personally liable for repayment. The Commission may reduce the required repayment for a candidate who must withdraw for health reasons or other reasons beyond their control, and it may consider the candidate's personal financial hardship.

Use of Funds, Restrictions on Candidates, Complaints, and Records

A candidate may only make expenditures from their publicly funded campaign account for expenses incurred once the candidate is certified by the Commission. A participating candidate may not use any portion of a public contribution to pay for expenses or loans incurred prior to being certified. A candidate is also prohibited from paying in advance for goods or services to be used after certification with non-qualifying contributions received before applying for certification. Additionally, a candidate's public contribution can be reduced based on certain expenditures from the candidate's non-participating campaign account.

Applicant and participating candidates are prohibited from:

- Accepting private contributions from any group or organization, including a political action committee, corporation, labor organization, or state or local central committee of a political party;
- Accepting private contributions from an individual in an aggregate greater than \$150 (as adjusted for inflation) during an election;
- Paying for campaign expenses with a campaign finance account other than the candidate's publicly funded campaign account after filing a notice of intent to seek public financing.



- Being a member of a slate in any election in which the candidate receives a public contribution. However, a candidate may affiliate with other candidates on campaign materials if they meet certain requirements.
- Transferring money between the candidate's publicly funded campaign account and any other campaign finance entity.

Note: The restrictions in § 11-21 do not prohibit an applicant or participating candidate from accepting loans, although an applicant candidate is prohibited from doing so in § 11-14. Other jurisdictions have prohibited both applicant and participating candidates from accepting loans except in limit circumstances.

A complaint alleging a prohibited receipt or use of funds by a participating candidate must be filed with the State Board of Elections. A participating candidate is required to retain records for four years after the election and must provide the Commission with reasonable access to financial records related to a publicly funded campaign account.

Civil Penalties

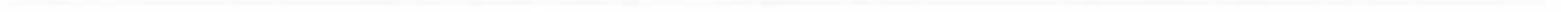
Violations of the subtitle are subject to environmental or civil citations, in addition to any other remedy authorized by law. Each day in violation is a separate offense, and the enumerated penalty for each violation is \$500.

Water Bill Donation Mechanism

The bill requires the Department of Public Works to develop and implement a mechanism to allow for donations to the Fund to be made with payment of water bills.

Effective Dates

The provisions of the bill defining certain terms, establishing the Fair Election Fund and the Fair Election Fund Commission, and requiring the Department of Public Works to develop a water bill donation mechanism take effect on the date of enactment. The remaining provisions take effect on January 1, 2021.



ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Charter, Baltimore City Code, Prince George's County Code of Ordinances, Howard County Code of Ordinances, Reporting Agencies, Bill 19-0403.

Matthew Peters

Analysis by:

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Analysis Date:

September 13, 2019



**CITY OF BALTIMORE
COUNCIL BILL 19-0403
(First Reader)**

Introduced by: Councilmembers Burnett, Henry, Dorsey, Bullock, Cohen, Sneed, Middleton,
McCray, Clarke, Reisinger, President Scott
Introduced and read first time: June 24, 2019
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Environmental Control Board,
Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Fair Election Fund – Establishment and Administration**

3 FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15
4 to provide public campaign financing for candidates for City elective office; regulating
5 certain campaign finance activity of a candidate for City elective office who voluntarily
6 accepts public campaign financing; providing for the powers and duties of the City Fair
7 Election Fund Commission; requiring that the Commission educate the citizens of Baltimore
8 on regarding the Fund and how to participate; requiring that the Commission perform certain
9 periodic reviews; establishing certain qualifications for applicants to receive public campaign
10 financing; establishing an application process; authorizing the Maryland State Board of
11 Elections to assist in the administration and enforcement of the public campaign financing
12 system; establishing certain Fund distribution requirements; providing for certain penalties
13 for violations of the public campaign financing system; defining certain terms; conforming
14 and correcting related provisions; generally relating to the administration of the Fair Election
15 Fund; and providing for special effective dates.

16 BY authority of
17 Article I - General Provisions
18 Section 15
19 Baltimore City Charter
20 (1996 Edition)

21 BY adding
22 Article 5 - Finance, Property, and Procurement
23 Section(s) 11-1 to 11-23, to be under the new subtitle,
24 "Subtitle 11. Fair Election Fund"
25 Baltimore City Code
26 (Edition 2000)

<p>Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.</p>

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1 BY renumbering current
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Sections 40-14(e)(.5a) and 41-14(.5a) to Sections 40-14(e)(.5b) and 41-14(.5b)
4 Baltimore City Code
5 (Edition 2000)

6 BY adding
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section(s) 40-14(e)(.5a) and 41-14(.5a)
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 5. Finance, Property, and Procurement**

15 **Subtitle 11. FAIR ELECTION FUND**

16 ***PART 1. DEFINITIONS; FINDINGS***

17 **§ 11-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

20 (B) *APPLICANT CANDIDATE.*

21 "APPLICANT CANDIDATE" MEANS A CANDIDATE WHO IS SEEKING TO BE A CERTIFIED
22 CANDIDATE IN A PRIMARY OR GENERAL ELECTION.

23 (C) *CAMPAIGN FINANCE ENTITY.*

24 "CAMPAIGN FINANCE ENTITY" MEANS A POLITICAL COMMITTEE ESTABLISHED UNDER
25 TITLE 13 OF THE STATE ELECTION ARTICLE {"CAMPAIGN FINANCE"}.

26 (D) *CERTIFIED CANDIDATE.*

27 "CERTIFIED CANDIDATE" MEANS A CANDIDATE WHO IS CERTIFIED AS ELIGIBLE FOR PUBLIC
28 CAMPAIGN FINANCING FROM THE FUND.

29 (E) *COMMISSION.*

30 "COMMISSION" MEANS THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION.

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1 (F) *CONTESTED ELECTION.*

2 "CONTESTED ELECTION" MEANS ANY ELECTION IN WHICH THERE ARE MORE CANDIDATES
3 FOR AN OFFICE THAN THE NUMBER WHO CAN BE ELECTED TO THAT OFFICE.

4 (G) *CONTRIBUTION.*

5 "CONTRIBUTION" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
6 {"DEFINITIONS: CONTRIBUTION"}.

7 (H) *CITY BOARD.*

8 "CITY BOARD" MEANS THE BALTIMORE CITY BOARD OF ELECTIONS.

9 (I) *CITY RESIDENT.*

10 "CITY RESIDENT" MEANS A NATURAL PERSON WHO RESIDES IN BALTIMORE CITY.

11 (J) *DIRECTOR.*

12 "DIRECTOR" MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR'S DESIGNEE.

13 (K) *ELECTION CYCLE.*

14 "ELECTION CYCLE" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
15 {"DEFINITIONS: ELECTION CYCLE"}.

16 (L) *ELIGIBLE CONTRIBUTION.*

17 "ELIGIBLE CONTRIBUTION" MEANS AN AGGREGATE DONATION IN A 4-YEAR ELECTION
18 CYCLE FROM AN INDIVIDUAL, INCLUDING AN INDIVIDUAL WHO DOES NOT RESIDE IN THE
19 CITY, THAT DOES NOT EXCEED THE CONTRIBUTION LEVEL ESTABLISHED IN THIS SUBTITLE.

20 (M) *FUND.*

21 "FUND" MEANS THE BALTIMORE CITY FAIR ELECTION FUND.

22 (N) *PARTICIPATING CANDIDATE.*

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

25 (O) *PUBLIC CONTRIBUTION.*

26 "PUBLIC CONTRIBUTION" MEANS ANY MONEY DISBURSED FROM THE FUND TO A CERTIFIED
27 CANDIDATE.

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1 (P) *PUBLICLY FUNDED CAMPAIGN ACCOUNT.*

2 "PUBLICLY FUNDED CAMPAIGN ACCOUNT" MEANS A CAMPAIGN FINANCE ACCOUNT
3 ESTABLISHED BY A CANDIDATE FOR THE EXCLUSIVE PURPOSE OF RECEIVING ELIGIBLE
4 CONTRIBUTIONS AND SPENDING FUNDS IN ACCORDANCE WITH THIS SUBTITLE.

5 (Q) *QUALIFYING BOOST.*

6 "QUALIFYING BOOST" MEANS A ONE-TIME DISBURSEMENT FROM THE FUND TO
7 CANDIDATES FOR MAYOR OR COUNCIL PRESIDENT ON CERTIFICATION UNDER THIS
8 SUBTITLE.

9 (R) *QUALIFYING CONTRIBUTION.*

10 (1) *IN GENERAL.*

11 "QUALIFYING CONTRIBUTION" MEANS AN ELIGIBLE CONTRIBUTION IN SUPPORT OF AN
12 APPLICANT CANDIDATE THAT IS:

13 (I) MADE BY A CITY RESIDENT;

14 (II) MADE AFTER THE BEGINNING OF THE DESIGNATED QUALIFYING PERIOD, BUT NO
15 LATER THAN THE RESPECTIVE ELECTION; AND

16 (III) ACKNOWLEDGED BY RECEIPT THAT IDENTIFIES THE CONTRIBUTOR'S NAME AND
17 RESIDENTIAL ADDRESS AND SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A
18 DIGITAL SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

19 (2) *EXCLUSION.*

20 "QUALIFYING CONTRIBUTION" DOES NOT INCLUDE AN IN-KIND CONTRIBUTION OF
21 PROPERTY, GOODS, OR SERVICES.

22 (S) *QUALIFYING PERIOD.*

23 "QUALIFYING PERIOD" MEANS THE TIME BEGINNING ON JANUARY 1 FOLLOWING THE LAST
24 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS AND ENDING 45 DAYS BEFORE THE DATE
25 OF THE PRIMARY ELECTION.

26 (T) *SLATE.*

27 "SLATE" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101
28 {"DEFINITIONS: SLATE"}.

29 (U) *STATE BOARD.*

30 "STATE BOARD" MEANS THE MARYLAND STATE BOARD OF ELECTIONS.

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1 § 11-2. {RESERVED}

2 § 11-3. FINDINGS.

3 (A) *IN GENERAL.*

4 THE MAYOR AND CITY COUNCIL FIND AS FOLLOWS.

5 (B) *RESPONSIVE GOVERNMENT.*

6 LOCAL GOVERNMENT SHOULD BE RESPONSIVE AND SERVE THE NEEDS OF ALL BALTIMORE
7 CITY RESIDENTS EQUALLY WITHOUT REGARD TO THEIR WEALTH. PUBLIC OFFICIALS
8 SHOULD DISCHARGE THEIR DUTIES IN AN IMPARTIAL MANNER, FREE FROM BIAS CREATED
9 BY THEIR OWN FINANCIAL INTERESTS OR, IN THE CASE OF ELECTED OFFICIALS, THE
10 FINANCIAL INTERESTS OF THOSE THAT MAY HAVE SUPPORTED THEM DURING THEIR
11 ELECTORAL CAMPAIGNS.

12 (C) *ESCALATING COSTS OF ELECTORAL CAMPAIGNS.*

13 COSTS OF CONDUCTING ELECTORAL CAMPAIGNS HAVE INCREASED SIGNIFICANTLY IN
14 RECENT YEARS. MANY CANDIDATES ARE FORCED TO FINANCE THEIR CAMPAIGNS BY
15 SEEKING LARGE CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES WHO THEREBY GAIN
16 DISPROPORTIONATE INFLUENCE OVER GOVERNMENTAL DECISION ONCE THE CANDIDATE
17 HOLDS OFFICE. QUALIFIED CANDIDATES WITHOUT ACCESS TO PERSONAL WEALTH OR
18 WEALTHY DONOR NETWORKS ARE OFTEN DISSUADED FROM SEEKING PUBLIC OFFICE.
19 THOSE THAT DO RUN FIND IT DIFFICULT TO WIN WITH THEIR VOICES DROWNED OUT IN THE
20 MEDIA AND ON THE GROUND.

21 (D) *NEGATIVE PUBLIC PERCEPTION.*

22 PERCEPTION OF THE INAPPROPRIATE AND DISPROPORTIONATE INFLUENCE ON
23 GOVERNMENT BY THOSE MONIED DONORS WHO DOMINATE CAMPAIGN FINANCING HAS LED
24 TO DISILLUSIONMENT AMONG CITY RESIDENTS WHO HAVE FELT THAT THEIR VOICES ARE
25 NOT HEARD. THIS DISILLUSIONMENT HAS RESULTED IN DISENGAGEMENT FROM THE
26 POLITICAL PROCESS AND GOVERNMENT.

27 (E) *CITY POLICY.*

28 IT IS THE POLICY OF BALTIMORE CITY TO:

29 (1) DIMINISH THE PUBLIC PERCEPTION OF CORRUPTION AND BUILD PUBLIC FAITH AND
30 CONFIDENCE IN GOVERNMENTAL AND ELECTORAL PROCESSES;

31 (2) HELP REDUCE THE INFLUENCE OF LARGE INDIVIDUAL AND CORPORATE CAMPAIGN
32 CONTRIBUTIONS ON CITY GOVERNMENT AND ELIMINATE THE POTENTIAL FOR
33 PUBLIC CORRUPTION;

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- 1 (3) REDUCE THE IMPACT OF WEALTH AS A DETERMINANT FOR WHETHER AN
2 INDIVIDUAL SEEKS TO PURSUE PUBLIC OFFICE;
- 3 (4) ENABLE CITY RESIDENTS OF ALL RACES AND INCOME TO RUN FOR OFFICE BASED ON
4 THE STRENGTH OF THEIR IDEAS, SUPPORTED BY SMALL DONATIONS FROM THE
5 PUBLIC AND MATCHING FUNDS FROM THE FUND;
- 6 (5) PROVIDE PARTICIPATING CANDIDATES WITH SUFFICIENT RESOURCES IN ORDER TO
7 COMMUNICATE WITH VOTERS;
- 8 (6) FOSTER GREATER INVESTMENT AND MORE MEANINGFUL PUBLIC PARTICIPATION IN
9 THE POLITICAL PROCESS AMONG ALL BALTIMOREANS, REGARDLESS OF RACE,
10 GENDER, SOCIO-ECONOMIC STATUS, OR GEOGRAPHY;
- 11 (7) PRIORITIZE ACCOUNTABILITY AMONG ELECTED OFFICIALS TO THE CONSTITUENTS
12 WHO ELECT THEM RATHER THAN THOSE WHO FUND THEIR CAMPAIGNS;
- 13 (8) STRENGTHEN PUBLIC CONTROL OVER THE DIRECTION OF LOCAL GOVERNMENT;
14 AND
- 15 (9) STRENGTHEN DEMOCRACY IN THE CITY OF BALTIMORE.

16 § 11-4. *{RESERVED}*

17 *PART 2. FUND; COMMISSION*

18 § 11-5. FAIR ELECTION FUND ESTABLISHED.

19 (A) *IN GENERAL.*

20 THERE IS A BALTIMORE CITY FAIR ELECTION FUND.

21 (B) *NATURE OF FUND.*

22 THE FUND IS A CONTINUING, NONLAPSING FUND ESTABLISHED UNDER THE AUTHORITY OF
23 CITY CHARTER ARTICLE I, § 15 {"SPECIAL FUND FOR FAIR ELECTIONS"}.

24 (C) *PURPOSES OF FUND.*

25 AS SET FORTH IN CITY CHARTER ARTICLE I, § 15(A)(2), THE PURPOSES OF THE FUND
26 INCLUDE:

- 27 (1) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET
28 CERTAIN QUALIFICATIONS;
- 29 (2) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS SEEKING TO
30 MAKE USE OF PUBLIC CAMPAIGN FUNDING;

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- 1 (3) PUBLICIZING THE AVAILABILITY OF PUBLIC CAMPAIGN FUNDING; AND
- 2 (4) ADMINISTERING A PUBLIC CAMPAIGN FUNDING PROGRAM.

3 (D) *CONTENTS OF FUND.*

4 THE FUND CONSISTS OF:

- 5 (1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;
- 6 (2) GRANTS OR DONATIONS MADE TO THE FUND;
- 7 (3) ANY UNSPENT MONEY REMAINING IN A CERTIFIED CANDIDATE'S PUBLICLY FUNDED
- 8 CAMPAIGN ACCOUNT AFTER THE CANDIDATE IS NO LONGER A CANDIDATE FOR
- 9 OFFICE;
- 10 (4) ANY PUBLIC CONTRIBUTION PLUS INTEREST RETURNED TO THE FUND BY A
- 11 PARTICIPATING CANDIDATE WHO WITHDRAWS FROM PARTICIPATION;
- 12 (5) INTEREST EARNED ON MONEY IN THE FUND; AND
- 13 (6) PROCEEDS FROM FEES AND FINES COLLECTED UNDER THIS SUBTITLE.

14 (E) *USES OF FUND.*

15 THE FUND MAY ONLY BE USED FOR THE PURPOSES SPECIFIED IN SUBSECTION (C) OF THIS

16 SECTION.

17 **§ 11-6. {RESERVED}**

18 **§ 11-7. FAIR ELECTION FUND COMMISSION.**

19 (A) *IN GENERAL.*

20 THERE IS A BALTIMORE CITY FAIR ELECTION FUND COMMISSION AS SPECIFIED IN CITY

21 CHARTER ARTICLE I, § 15(B).

22 (B) *STAFF.*

23 THE DEPARTMENT OF FINANCE MUST PROVIDE STAFF SUPPORT FOR THE COMMISSION TO:

- 24 (1) WORK WITH THE STATE BOARD TO ADMINISTER THE FUND AND TO PROVIDE
- 25 OVERSIGHT OF APPLICANT AND PARTICIPATING CANDIDATES; AND
- 26 (2) PROVIDE INFORMATION ABOUT THE FUND TO CANDIDATES AND THE PUBLIC.

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§ 11-8. DUTIES OF THE COMMISSION.

(A) IN GENERAL.

(1) THE COMMISSION MUST ADMINISTER THE FUND AND ENSURE THAT THE FUNDS ARE
DISPERSED IN AN EQUITABLE BASIS.

(2) NO FUNDS MAY BE DISPERSED FROM THE FUND WITHOUT COMMISSION
AUTHORIZATION.

(B) ANNUAL REPORT.

ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSION MUST ISSUE A REPORT TO THE
MAYOR AND CITY COUNCIL CONTAINING:

(1) AN ESTIMATE OF THE FUNDS NECESSARY TO IMPLEMENT THE PUBLIC CAMPAIGN
FINANCE SYSTEM FOR THE FOLLOWING FISCAL YEAR;

(2) A RECOMMENDATION FOR AN APPROPRIATION TO THE FUND FOR THE FOLLOWING
FISCAL YEAR; AND

(3) IF NECESSARY, ANY RECOMMENDATIONS FOR DEDICATED SOURCES OF FUNDING.

(C) MEETINGS.

THE COMMISSION MUST MEET:

(1) AT LEAST ONCE EVERY 90 DAYS DURING THE 12 MONTHS PRECEDING A PRIMARY
ELECTION; AND

(2) AT LEAST TWICE A YEAR OTHERWISE.

§ 11-9. RULES AND REGULATIONS.

(A) IN GENERAL.

THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MUST ADOPT RULES AND
REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING SPECIFYING:

(1) HOW AND WHEN RECEIPTS FOR QUALIFYING CONTRIBUTIONS FROM CONTRIBUTORS
MUST BE SUBMITTED TO THE STATE BOARD;

(2) THE DOCUMENTS THAT MUST BE FILED WITH THE STATE BOARD FOR
CERTIFICATION;

(3) WHEN DISBURSEMENTS FROM THE FUND ARE MADE TO A PARTICIPATING
CANDIDATE AND THE AMOUNTS DISBURSED;

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1 (4) THE ALLOWABLE USES OF MONEY IN A PUBLICLY FUNDED CAMPAIGN ACCOUNT;
2 AND

3 (5) OTHER POLICIES NECESSARY TO IMPLEMENT THIS SUBTITLE.

4 (B) *FILING WITH LEGISLATIVE REFERENCE.*

5 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
6 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

7 **§ 11-10. {RESERVED}**

8 ***PART 3. COMMUNITY ENGAGEMENT; POST-ELECTION REVIEWS***

9 **§ 11-11. COMMUNITY EDUCATION AND ENGAGEMENT.**

10 (A) *IN GENERAL.*

11 AT LEAST 18 MONTHS PRIOR TO A GENERAL ELECTION, THE COMMISSION MUST CONDUCT
12 CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS AIMED AT ENSURING THAT
13 CANDIDATES AND VOTERS ARE INFORMED ON THE FUND AND HOW THEY MAY
14 PARTICIPATE.

15 (B) *ACTIVITIES.*

16 IN CONDUCTING THE CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS
17 REQUIRED UNDER THIS SECTION, THE COMMISSION MUST:

- 18 (1) CREATE AND DISTRIBUTE EDUCATION MATERIALS THAT RAISE AWARENESS ABOUT
19 THE FUND AMONG VOTERS AND POTENTIAL CANDIDATES;
- 20 (2) PROVIDE TRAINING TO CANDIDATES AND CAMPAIGNS REGARDING THE FUND AND
21 ANY APPLICABLE CAMPAIGN FINANCE LAWS AND REGULATIONS; AND
- 22 (3) WORK WITH COMMUNITY-BASED ORGANIZATIONS TO ENSURE EDUCATION
23 MATERIALS ARE RELEVANT AND ASSESSABLE TO MEMBERS OF COMMUNITIES THAT
24 HISTORICALLY HAVE BEEN MARGINALIZED FROM ELECTIONS AND CIVIC PROCESSES,
25 INCLUDING MAKING ANY NECESSARY TRANSLATIONS FOR BALTIMORE VOTERS.

26 **§ 11-12. COMMISSION REVIEW.**

27 (A) *IN GENERAL.*

28 AFTER EACH GENERAL ELECTION FOR CITY OFFICE, THE COMMISSION MUST CONDUCT A
29 COMPREHENSIVE REVIEW OF THE FINANCING PROGRAM UNDER THIS SUBTITLE, INCLUDING:

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- 1 (1) THE MAXIMUM AND MINIMUM DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR
2 CONTRIBUTIONS;
- 3 (2) THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS A
4 CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR CERTIFICATION AS A
5 PARTICIPATING CANDIDATE;
- 6 (3) THE MAXIMUM AMOUNT OF DISBURSEMENTS A CANDIDATE MAY RECEIVE UNDER
7 THIS SUBTITLE;
- 8 (4) THE OVERALL SATISFACTION OF PARTICIPATING CANDIDATES AND THE PUBLIC
9 WITH THE PROGRAM;
- 10 (5) THE ANALYSIS, RECOMMENDATION AND CREATION OF A PLAN TO THE MAYOR AND
11 CITY COUNCIL TO REDUCE RACIAL, ETHNIC, SOCIO-ECONOMIC AND GEOGRAPHIC
12 DISPARITIES REGARDING ACCESS TO PUBLIC MATCHING FUNDS BY PARTICIPATING
13 CANDIDATES; AND
- 14 (6) OTHER MATTERS RELATING TO FINANCING OF CAMPAIGNS AS THE COMMISSION
15 DETERMINES ARE APPROPRIATE.

16 (B) *CRITERIA FOR REVIEW.*

17 IN CONDUCTING THE REVIEW UNDER THIS SECTION, THE COMMISSION MUST CONSIDER THE
18 FOLLOWING:

- 19 (1) WHETHER THE NUMBER AND DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR
20 CONTRIBUTIONS REQUIRED STRIKES AN APPROPRIATE BALANCE REGARDING:
- 21 (I) THE IMPORTANCE OF VOTER INVOLVEMENT; AND
- 22 (II) THE NEED TO ASSURE ADEQUATE INCENTIVES FOR PARTICIPATION AND
23 FISCAL RESPONSIBILITY, TAKING INTO CONSIDERATION THE NUMBER OF
24 PRIMARY AND GENERAL ELECTION PARTICIPATING CANDIDATES, THE
25 ELECTORAL PERFORMANCE OF THOSE CANDIDATES, PROGRAM COST, AND
26 ANY OTHER INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE;
- 27 (2) WHETHER THE TOTALITY OF THE AMOUNT OF FUNDS ALLOWED TO BE RAISED BY
28 PARTICIPATING CANDIDATES, INCLUDING THROUGH QUALIFIED SMALL DOLLAR
29 CONTRIBUTIONS, AND DISBURSEMENTS UNDER THIS SUBTITLE ARE SUFFICIENT FOR
30 VOTERS IN THE CITY TO LEARN ABOUT THE CANDIDATES TO CAST AN INFORMED
31 VOTE, TAKING INTO ACCOUNT THE HISTORIC AMOUNT OF SPENDING BY WINNING
32 CANDIDATES, MEDIA COSTS, PRIMARY ELECTION DATES, AND ANY OTHER
33 INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE; AND

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1 (3) ANY OTHER MATTER RELATING TO PUBLIC CAMPAIGN FINANCING THAT THE
2 COMMISSION DETERMINES ARE NECESSARY AND APPROPRIATE FOR A THOROUGH
3 REVIEW.

4 (C) *RECOMMENDATIONS.*

5 BASED ON THE REVIEW CONDUCTED UNDER THIS SECTION, THE COMMISSION MAY
6 RECOMMEND TO THE MAYOR AND CITY COUNCIL:

7 (1) ADJUSTMENTS TO THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR
8 CONTRIBUTIONS A CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR
9 CERTIFICATION AS A PARTICIPATING CANDIDATE;

10 (2) ADJUSTMENTS TO THE MAXIMUM AMOUNT OF DISBURSEMENTS THAT MAY BE
11 RECEIVED UNDER THIS SUBTITLE; OR

12 (3) ANY OTHER LEGISLATIVE CHANGE NECESSARY TO INCREASE CANDIDATE
13 PARTICIPATION, VOTER PARTICIPATION, OR BOTH.

14 (D) *COMMUNITY PARTICIPATION.*

15 THE COMMISSION MUST ENGAGE COMMUNITY MEMBERS AND COMMUNITY-BASED
16 ORGANIZATIONS IN THE REVIEW UNDER THIS SECTION TO DETERMINE WHETHER THE FUND
17 IS ACHIEVING ITS STATED PURPOSES OF FOSTERING GREATER PARTICIPATION IN THE
18 POLITICAL PROCESS.

19 § 11-13. *{RESERVED}*

20 *PART 4. CANDIDATE AND FUND PROCEDURES*

21 § 11-14. **COLLECTING QUALIFYING CONTRIBUTIONS.**

22 (A) *IN GENERAL.*

23 BEFORE RAISING ANY CONTRIBUTIONS UNDER THIS SUBTITLE, AN APPLICANT CANDIDATE
24 MUST:

25 (1) FILE A NOTICE OF INTENT WITH THE STATE BOARD IN THE MANNER THAT THE
26 STATE BOARD REQUIRES; AND

27 (2) ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT.

28 (B) *CONTRIBUTION LIMITS.*

29 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
30 APPLICANT CANDIDATE MAY NOT ACCEPT:

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1 (I) AN ELIGIBLE CONTRIBUTION OF MORE THAN \$150 IN THE AGGREGATE DURING
2 AN ELECTION; OR

3 (II) A LOAN.

4 (2) AN APPLICANT CANDIDATE MAY LOAN OR CONTRIBUTE UP TO \$6,000 DURING AN
5 ELECTION CYCLE FROM:

6 (I) THE APPLICANT CANDIDATE; OR

7 (II) THE APPLICANT CANDIDATE'S SPOUSE.

8 (C) *CONSUMER PRICE INDEX ADJUSTMENT.*

9 (1) THE CONTRIBUTION LIMIT SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION MUST BE
10 ADJUSTED FOR THE NEXT ELECTION CYCLE ON JULY 1, 2028, AND JULY 1 OF EACH
11 SUBSEQUENT FOURTH YEAR BY THE PERCENTAGE INCREASE IN THE BALTIMORE-
12 COLUMBIA-TOWSON CONSUMER PRICE INDEX, AS REPORTED BY THE UNITED STATES
13 DEPARTMENT OF LABOR, ROUNDED UP BY THE NEAREST MULTIPLE OF \$10.

14 (2) THE DIRECTOR MUST PUBLISH THIS ADJUSTED AMOUNT NO LATER THAN THE JANUARY
15 1 AFTER THE ADJUSTMENT IS MADE.

16 **§ 11-15. REQUIREMENTS FOR CERTIFICATION.**

17 (A) *APPLICATION.*

18 (1) A CANDIDATE MUST APPLY TO THE STATE BOARD FOR CERTIFICATION DURING THE
19 QUALIFYING PERIOD IN THE FORM THAT THE STATE BOARD REQUIRES.

20 (2) AN APPLICANT CANDIDATE MUST INCLUDE WITH THE APPLICATION ANY
21 DOCUMENTATION REQUIRED BY THE STATE OR, IN THE ABSENCE OF STATE
22 REQUIREMENTS, THE FOLLOWING:

23 (I) A DECLARATION FROM THE APPLICANT CANDIDATE TO FOLLOW THE
24 REQUIREMENTS GOVERNING THE USE OF A PUBLIC CONTRIBUTION;

25 (II) A CAMPAIGN FINANCE REPORT THAT CONTAINS THE INFORMATION THAT THE
26 STATE BOARD REQUIRES FOR A CAMPAIGN FINANCE REPORT AND THAT
27 INCLUDES:

28 (A) A LIST OF EACH QUALIFYING CONTRIBUTION RECEIVED;

29 (B) A LIST OF EACH EXPENDITURE MADE BY THE CANDIDATE DURING THE
30 QUALIFYING PERIOD;

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1 (C) A COPY OF THE RECEIPT ASSOCIATED WITH EACH CONTRIBUTION THAT
2 IDENTIFIES THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS;
3 AND

4 (D) A COPY OF THE RECEIPT ASSOCIATED WITH EACH EXPENDITURE; AND

5 (III) A CERTIFICATE OF CANDIDACY FOR MAYOR, COUNCIL PRESIDENT,
6 COMPTROLLER, OR CITY COUNCILMEMBER.

7 (B) *QUALIFICATIONS.*

8 TO QUALIFY AS A CERTIFIED CANDIDATE:

9 (1) A CANDIDATE FOR MAYOR MUST COLLECT AT LEAST:

10 (I) 500 QUALIFYING CONTRIBUTIONS; AND

11 (II) AN AGGREGATE TOTAL OF \$40,000;

12 (2) A CANDIDATE FOR COUNCIL PRESIDENT MUST COLLECT AT LEAST:

13 (I) 250 QUALIFYING CONTRIBUTIONS; AND

14 (II) AN AGGREGATE TOTAL OF \$15,000;

15 (3) A CANDIDATE FOR COMPTROLLER MUST COLLECT AT LEAST:

16 (I) 150 QUALIFYING CONTRIBUTIONS; AND

17 (II) AN AGGREGATE TOTAL OF \$5,000; AND

18 (4) A CANDIDATE FOR CITY COUNCILMEMBER MUST COLLECT AT LEAST:

19 (I) 150 QUALIFYING CONTRIBUTIONS; AND

20 (II) AN AGGREGATE TOTAL OF \$5,000.

21 (C) *CONTRIBUTIONS.*

22 (1) AN APPLICANT CANDIDATE MUST DEPOSIT ALL CONTRIBUTIONS INTO THE
23 CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

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

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1 (D) *INELIGIBILITY.*

2 AN APPLICANT CANDIDATE IS INELIGIBLE FOR CERTIFICATION IF THE COMMISSION, IN
3 CONSULTATION WITH THE STATE BOARD, HAS DETERMINED THAT THE APPLICANT
4 CANDIDATE HAS:

- 5 (1) FAILED TO SUBMIT A CAMPAIGN FINANCE REPORT IN THE 4 YEARS PRECEDING THE
6 ELECTION CYCLE;
- 7 (2) COORDINATED WITH A POLITICAL ACTION COMMITTEE; OR
- 8 (3) VIOLATED ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

9 **§ 11-16. CERTIFICATION DETERMINATION.**

10 (A) *IN GENERAL.*

- 11 (1) WITHIN 10 DAYS OF RECEIVING A COMPLETE APPLICATION FOR CERTIFICATION, THE
12 STATE BOARD MUST MAKE A RECOMMENDATION TO THE COMMISSION WHETHER TO
13 CERTIFY AN APPLICANT CANDIDATE.
- 14 (2) WITHIN 5 DAYS OF RECEIVING THE STATE BOARD'S RECOMMENDATION, THE
15 COMMISSION MUST CERTIFY OR DENY THE APPLICANT CANDIDATE.

16 (B) *FINALITY OF DECISION.*

17 EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE DECISION BY THE
18 COMMISSION WHETHER TO CERTIFY A CANDIDATE IS FINAL.

19 (C) *COMMISSION TO AUTHORIZE.*

20 IF THE COMMISSION CERTIFIES A CANDIDATE, THE COMMISSION MUST AUTHORIZE THE
21 DIRECTOR TO DISBURSE A PUBLIC CONTRIBUTION TO THE CANDIDATE'S PUBLICLY FUNDED
22 CAMPAIGN ACCOUNT.

23 (D) *DENIAL OF APPLICATION.*

24 IF AN APPLICATION IS DENIED, THE APPLICANT CANDIDATE MAY RESUBMIT A NEW OR
25 MODIFIED APPLICATION ONE TIME WITHIN THE EARLIER OF:

- 26 (1) 10 BUSINESS DAYS AFTER RECEIVING NOTICE THAT THE COMMISSION DENIED THE
27 APPLICATION; OR
- 28 (2) THE END OF THE QUALIFYING PERIOD.

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1 § 11-17. DISTRIBUTION OF PUBLIC CONTRIBUTION.

2 (A) *IN GENERAL.*

3 ON AUTHORIZATION BY THE COMMISSION, THE DIRECTOR MUST DISTRIBUTE A PUBLIC
4 CONTRIBUTION FROM THE FUND TO EACH CERTIFIED CANDIDATE IN A CONTESTED
5 ELECTION ONLY DURING THE DISTRIBUTION PERIOD AS FOLLOWS:

6 (1) FOR A CERTIFIED CANDIDATE FOR EITHER MAYOR OR COUNCIL PRESIDENT, THE
7 MATCHING DOLLARS MUST EQUAL:

8 (i) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
9 FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

10 (ii) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
11 NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

12 (iii) \$2 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
13 FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

14 (2) FOR A CERTIFIED CANDIDATE FOR EITHER COMPTROLLER OR CITY
15 COUNCILMEMBER, THE MATCHING DOLLARS MUST EQUAL:

16 (i) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
17 FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

18 (ii) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
19 NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

20 (iii) \$0 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE
21 FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

22 (B) *QUALIFYING BOOST.*

23 (1) *IN GENERAL.*

24 IN ADDITION TO ANY PUBLIC CONTRIBUTIONS MADE UNDER SUBSECTION (A)(1) OF THIS
25 SECTION, WITHIN 5 DAYS OF CERTIFICATION BY THE COMMISSION, THE DIRECTOR
26 MUST DISBURSE FROM THE FUND A QUALIFYING BOOST OF:

27 (i) \$200,000 FOR A CANDIDATE FOR MAYOR; AND

28 (ii) \$50,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT.

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1 (2) *MULTIPLE BOOSTS PROHIBITED.*

2 A CANDIDATE MAY NOT RECEIVE MORE THAN 1 QUALIFYING BOOST DURING AN
3 ELECTION CYCLE.

4 (C) *MAXIMUM PUBLIC CONTRIBUTION.*

5 (1) *IN GENERAL.*

6 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL PUBLIC
7 CONTRIBUTION PAYABLE TO A CERTIFIED CANDIDATE FOR EITHER A PRIMARY OR A
8 GENERAL ELECTION MAY NOT EXCEED:

- 9 (i) \$1,500,000 FOR A CANDIDATE FOR MAYOR;
10 (ii) \$375,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT;
11 (iii) \$200,000 FOR A CANDIDATE FOR COMPTROLLER; AND
12 (iv) \$125,000 FOR A CANDIDATE FOR CITY COUNCILMEMBER.

13 (2) *EXCLUSION.*

14 THE LIMITS SPECIFIED IN THIS SUBSECTION DO NOT INCLUDE THE QUALIFYING BOOST
15 RECEIVED BY A CANDIDATE FOR MAYOR OR COUNCIL PRESIDENT.

16 (D) *PROHIBITED PUBLIC CONTRIBUTIONS.*

17 THE DIRECTOR MAY NOT DISTRIBUTE A PUBLIC CONTRIBUTION BASED ON:

- 18 (1) A CONTRIBUTION OR LOAN FROM THE CANDIDATE OR THE CANDIDATE'S SPOUSE;
19 OR
20 (2) AN IN-KIND CONTRIBUTION OF PROPERTY, GOODS, OR SERVICES.

21 (E) *FUND INSUFFICIENCY.*

22 (1) ON OR BEFORE JULY 1 OF EACH YEAR PRECEDING A PRIMARY ELECTION, THE
23 DIRECTOR MUST DETERMINE IF THE AMOUNT IN THE FUND IS SUFFICIENT TO MEET THE
24 MAXIMUM PUBLIC CONTRIBUTIONS AND QUALIFYING BOOSTS REASONABLY EXPECTED
25 TO BE REQUIRED DURING THE NEXT ELECTION CYCLE.

26 (2) IF THE DIRECTOR DETERMINES THAT THE TOTAL AMOUNT AVAILABLE FOR
27 DISTRIBUTION IN THE FUND IS INSUFFICIENT TO MEET THE ALLOCATIONS REQUIRED BY
28 THIS SECTION, THE DIRECTOR MUST REDUCE EACH PUBLIC CONTRIBUTION AND
29 QUALIFYING BOOST TO A CERTIFIED CANDIDATE BY THE SAME PERCENTAGE OF THE
30 TOTAL PUBLIC CONTRIBUTION.

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1 (F) *DISBURSEMENTS AFTER THE PRIMARY ELECTION.*

2 WITHIN 3 BUSINESS DAYS OF THE PRIMARY ELECTION, THE COMMISSION MUST AUTHORIZE
3 THE DIRECTOR TO CONTINUE TO DISBURSE THE APPROPRIATE PUBLIC CONTRIBUTION FOR
4 THE GENERAL ELECTION TO EACH PARTICIPATING CANDIDATE.

5 (G) *RETURN OF UNSPENT FUNDS.*

6 (1) *PRIMARY ELECTION CANDIDATES.*

7 WITHIN 30 DAYS OF THE CERTIFICATION BY THE CITY BOARD OF THE RESULTS OF THE
8 PRIMARY ELECTION, A PARTICIPATING CANDIDATE WHO IS NOT CERTIFIED TO BE ON
9 THE BALLOT FOR THE GENERAL ELECTION MUST RETURN TO THE FUND ANY UNSPENT
10 MONEY IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

11 (2) *GENERAL ELECTION CANDIDATES.*

12 ON OR BEFORE DECEMBER 31 AFTER THE GENERAL ELECTION, A PARTICIPATING
13 CANDIDATE MUST RETURN TO THE FUND ANY UNSPENT MONEY IN THE CANDIDATE'S
14 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15 (H) *PETITION-NOMINATED AND NON-PRINCIPAL POLITICAL PARTY CANDIDATES.*

16 (1) IN THIS SUBSECTION, "PRINCIPAL POLITICAL PARTY" HAS THE MEANING STATED IN
17 STATE ELECTION LAW ARTICLE, § 1-101 {"DEFINITIONS: PRINCIPAL POLITICAL
18 PARTIES"}.

19 (2) A CERTIFIED CANDIDATE NOMINATED BY PETITION OR BY A PARTY THAT IS NOT A
20 PRINCIPAL POLITICAL PARTY MAY RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL
21 ELECTION IF THE CANDIDATE'S NOMINATION IS CERTIFIED BY THE CITY BOARD.

22 (3) A CERTIFIED CANDIDATE UNDER THIS SUBSECTION MUST QUALIFY AS A CERTIFIED
23 CANDIDATE AT LEAST 45 DAYS BEFORE THE DATE OF THE GENERAL ELECTION.

24 **§ 11-18. USE OF PUBLIC CONTRIBUTION.**

25 (A) *IN GENERAL.*

26 A PARTICIPATING CANDIDATE MAY ONLY MAKE EXPENDITURES FROM THE PUBLICLY
27 FUNDED CAMPAIGN ACCOUNT REGISTERED WITH THE STATE BOARD FOR EXPENSES
28 INCURRED ONCE THE CANDIDATE IS CERTIFIED BY THE COMMISSION.

29 (B) *PREVIOUS EXPENSES OR LOANS.*

30 A PARTICIPATING CANDIDATE MAY NOT USE ANY PORTION OF A PUBLIC CONTRIBUTION TO
31 PAY FOR EXPENSES OR LOANS INCURRED PRIOR TO BEING CERTIFIED BY THE COMMISSION.

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1 (C) *ADVANCE PAYMENT.*

2 A PARTICIPATING CANDIDATE MAY NOT PAY IN ADVANCE FOR GOODS AND SERVICES TO BE
3 USED AFTER CERTIFICATION WITH NON-QUALIFYING CONTRIBUTIONS RECEIVED BEFORE
4 APPLYING FOR CERTIFICATION.

5 (D) *REDUCTION OF PUBLIC CONTRIBUTION.*

6 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DIRECTOR MUST
7 REDUCE THE PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE'S PUBLICLY
8 FUNDED CAMPAIGN ACCOUNT BY THE TOTAL AMOUNT OF ALL EXPENDITURES MADE
9 AFTER THE END OF THE PREVIOUS ELECTION CYCLE FROM THE CANDIDATE'S NON-
10 PARTICIPATING CAMPAIGN ACCOUNT.

11 (2) EXPENDITURES MADE WITH CONTRIBUTIONS RECEIVED PRIOR TO THE END OF THE
12 PREVIOUS ELECTION CYCLE TOWARDS DEBTS ACCRUED BEFORE THE END OF THE
13 PREVIOUS ELECTION CYCLE MAY NOT REDUCE THE PUBLIC CONTRIBUTION TO A
14 PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15 (E) *ADDITIONAL LIMITATIONS.*

16 THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MAY FURTHER LIMIT USE OF
17 PUBLIC CONTRIBUTIONS IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

18 (F) *ALLEGATIONS OF A PROHIBITED ACT.*

19 A COMPLAINT ALLEGING A PROHIBITED RECEIPT OR USE OF FUNDS BY A PARTICIPATING
20 CANDIDATE MUST BE FILED WITH THE STATE BOARD.

21 (G) *ACCESS TO RECORDS.*

22 (1) ON REQUEST BY THE COMMISSION, A PARTICIPATING CANDIDATE MUST PROVIDE THE
23 COMMISSION WITH REASONABLE ACCESS TO THE FINANCIAL RECORDS OF THE
24 CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

25 (2) A PARTICIPATING CANDIDATE MUST KEEP ALL RECORDS FOR A PERIOD OF 4 YEARS
26 AFTER THE ELECTION TO WHICH THE DOCUMENTS RELATE.

27 (3) THE RECORDS MUST BE RETAINED BY THE CAMPAIGN TREASURER UNLESS THE STATE
28 BOARD HAS BEEN NOTIFIED OTHERWISE.

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1 § 11-19. WITHDRAWAL.

2 (A) *CERTIFIED CANDIDATES.*

3 A CERTIFIED CANDIDATE MAY WITHDRAW AN APPLICATION FOR A PUBLIC CONTRIBUTION
4 ANY TIME BEFORE THE PUBLIC CONTRIBUTION IS RECEIVED BY THE CANDIDATE'S
5 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

6 (B) *PARTICIPATING CANDIDATES.*

7 A PARTICIPATING CANDIDATE MAY WITHDRAW FROM PARTICIPATING IF THE CANDIDATE:

8 (1) FILES A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD AND THE
9 COMMISSION ON A FORM THAT THE STATE BOARD REQUIRES; AND

10 (2) REPAYS TO THE FUND THE FULL AMOUNT OF ANY PUBLIC CONTRIBUTION
11 RECEIVED, PLUS INTEREST ACCRUING FROM THE DATE OF WITHDRAWAL AT THE
12 SAME RATE AS THE CURRENT BANK PRIME LOAN RATE REPORTED BY THE BOARD
13 OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

14 (C) *PERSONAL LIABILITY.*

15 IF THE FUNDS REMAINING IN THE PARTICIPATING CANDIDATE'S PUBLICLY FUNDED
16 CAMPAIGN ACCOUNT AT THE TIME OF WITHDRAWAL ARE INSUFFICIENT TO REPAY THE
17 FUND UNDER SUBSECTION (B) OF THIS SECTION, THE CANDIDATE IS PERSONALLY LIABLE
18 FOR REPAYMENT.

19 (D) *REDUCED REPAYMENT.*

20 (1) THE COMMISSION MAY REDUCE ANY REPAYMENT UNDER SUBSECTION (B) OF THIS
21 SECTION FOR A PARTICIPATING CANDIDATE WHO MUST WITHDRAW FOR HEALTH
22 REASONS OR OTHER CAUSE NOT WITHIN THE CANDIDATE'S CONTROL.

23 (2) IN CONSIDERING A REPAYMENT REDUCTION UNDER THIS SUBSECTION, THE
24 COMMISSION MAY CONSIDER THE PARTICIPATING CANDIDATE'S PERSONAL FINANCIAL
25 HARDSHIP.

26 § 11-20. {RESERVED}

27 *PART 5. RESTRICTIONS; ENFORCEMENT*

28 § 11-21. APPLICANT AND PARTICIPATING CANDIDATE RESTRICTIONS.

29 (A) *IN GENERAL.*

30 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT CANDIDATE OR
31 A PARTICIPATING CANDIDATE MAY NOT:

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- 1 (1) ACCEPT A PRIVATE CONTRIBUTION FROM ANY GROUP OR ORGANIZATION,
2 INCLUDING A POLITICAL ACTION COMMITTEE, A CORPORATION, A LABOR
3 ORGANIZATION, OR A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL
4 PARTY;
- 5 (2) ACCEPT PRIVATE CONTRIBUTIONS FROM AN INDIVIDUAL IN AN AGGREGATE
6 GREATER THAN \$150 DURING AN ELECTION, OR THE MAXIMUM AMOUNT OF AN
7 ELIGIBLE CONTRIBUTION, AS ADJUSTED BY §11-14(C) OF THIS SUBTITLE;
- 8 (3) AFTER FILING A NOTICE OF INTENT WITH THE STATE BOARD TO SEEK PUBLIC
9 FINANCING, PAY FOR ANY CAMPAIGN EXPENSE WITH ANY CAMPAIGN FINANCE
10 ACCOUNT OTHER THAN THE CANDIDATES' PUBLICLY FUNDED CAMPAIGN ACCOUNT;
- 11 (4) BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE RECEIVES A
12 PUBLIC CONTRIBUTION; OR
- 13 (5) TRANSFER MONEY:
- 14 (I) TO THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT FROM ANY
15 OTHER CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; OR
- 16 (II) FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT TO ANY
17 OTHER CAMPAIGN FINANCE ENTITY.

18 (B) *AFFILIATION.*

19 PURSUANT TO COMAR 33.13.14, A CANDIDATE WHO ACCEPTS A PUBLIC CONTRIBUTION
20 MAY AFFILIATE WITH ANY OTHER CANDIDATES, INCLUDING NON-PUBLICLY FINANCED
21 CANDIDATES, ON CAMPAIGN MATERIAL IF:

- 22 (1) THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE MAKES A DIRECT
23 DISBURSEMENT TO THE PAYEE FOR ITS SHARE OF THE COSTS OF THE CAMPAIGN
24 MATERIAL; AND
- 25 (2) THE CAMPAIGN MATERIAL DISPLAYS THE AUTHORITY LINE OF THE AUTHORIZED
26 CANDIDATE CAMPAIGN COMMITTEE.

27 § 11-22. *{RESERVED}*

28 § 11-23. **ENFORCEMENT BY CITATION.**

29 (A) *IN GENERAL.*

30 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
31 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

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1 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
2 {"ENVIRONMENTAL CONTROL BOARD"}; OR

3 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
4 CITATIONS"}.

5 (B) *PROCESS NOT EXCLUSIVE.*

6 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
7 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

8 (C) *EACH DAY A SEPARATE OFFENSE.*

9 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

10 **Article 1. Mayor, City Council, and Municipal Agencies**

11 **Subtitle 40. Environmental Control Board**

12 **§ 40-14. Violations to which subtitle applies.**

13 (c) *Provisions and penalties enumerated.*

14 (.5A) **ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT**

15 SUBTITLE 11. FAIR ELECTION FUND \$500

16 (.5B) [(5a)] **Article 7. Natural Resources**

17 Division I. Floodplain Management \$500

18 **Subtitle 41. Civil Citations**

19 **§ 41-14. Offenses to which subtitle applies – Listing.**

20 (.5A) **ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT**

21 SUBTITLE 11. FAIR ELECTION FUND \$500

22 (.5B) [(5a)] **Article 7. Natural Resources**

23 Division I. Floodplain Management \$500

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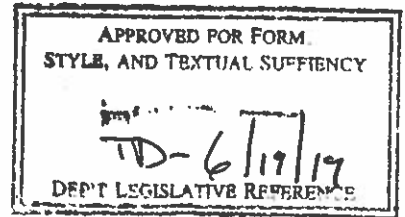
1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Department of Public Works must
5 develop and implement a mechanism to allow for donations to the Fund to be made with
6 payment of water bills.

7 **SECTION 4. AND BE IT FURTHER ORDAINED,** That City Code Article 5, Subtitle 11, Parts 1
8 and 2, defining certain terms and establishing the Fair Election Fund and the Fair Election Fund
9 Commission, as enacted by this Ordinance, take effect on the date of enactment of this
10 Ordinance.

11 **SECTION 5. AND BE IT FURTHER ORDAINED,** That Section 3 of this Ordinance takes effect on
12 the date of the enactment of this Ordinance.

13 **SECTION 6. AND BE IT FURTHER ORDAINED,** That except as provided by Sections 4 and 5 of
14 this Ordinance, this Ordinance takes effect on January 1, 2021.



INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ___

Introduced by: Councilmember Burnett

A BILL ENTITLED

AN ORDINANCE concerning

Fair Election Fund – Establishment and Administration

FOR the purpose of establishing the Fair Election Fund authorized by City Charter Article I, § 15 to provide public campaign financing for candidates for City elective office; regulating certain campaign finance activity of a candidate for City elective office who voluntarily accepts public campaign financing; providing for the powers and duties of the City Fair Election Fund Commission; requiring that the Commission educate the citizens of Baltimore on regarding the Fund and how to participate; requiring that the Commission perform certain periodic reviews; establishing certain qualifications for applicants to receive public campaign financing; establishing an application process; authorizing the Maryland State Board of Elections to assist in the administration and enforcement of the public campaign financing system; establishing certain Fund distribution requirements; providing for certain penalties for violations of the public campaign financing system; defining certain terms; conforming and correcting related provisions; generally relating to the administration of the Fair Election Fund; and providing for special effective dates.

BY authority of
Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

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

* **Warning:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THIS BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY adding

Article 5 - Finance, Property, and Procurement
Section(s) 11-1 to 11-23, to be under the new subtitle,
"Subtitle 11. Fair Election Fund"
Baltimore City Code
(Edition 2000)

BY renumbering current

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 40-14(e)(.5a) and 41-14(.5a) to Sections 40-14(e)(.5b) and 41-14(.5b)
Baltimore City Code
(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(.5a) and 41-14(.5a)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 11. FAIR ELECTION FUND

PART 1. DEFINITIONS; FINDINGS

§ 11-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *APPLICANT CANDIDATE.*

"APPLICANT CANDIDATE" MEANS A CANDIDATE WHO IS SEEKING TO BE A CERTIFIED
CANDIDATE IN A PRIMARY OR GENERAL ELECTION.

(C) *CAMPAIGN FINANCE ENTITY.*

"CAMPAIGN FINANCE ENTITY" MEANS A POLITICAL COMMITTEE ESTABLISHED UNDER TITLE
13 OF THE STATE ELECTION ARTICLE {"CAMPAIGN FINANCE"}.

(D) *CERTIFIED CANDIDATE.*

“CERTIFIED CANDIDATE” MEANS A CANDIDATE WHO IS CERTIFIED AS ELIGIBLE FOR PUBLIC CAMPAIGN FINANCING FROM THE FUND.

(E) *COMMISSION.*

“COMMISSION” MEANS THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION.

(F) *CONTESTED ELECTION.*

“CONTESTED ELECTION” MEANS ANY ELECTION IN WHICH THERE ARE MORE CANDIDATES FOR AN OFFICE THAN THE NUMBER WHO CAN BE ELECTED TO THAT OFFICE.

(G) *CONTRIBUTION.*

“CONTRIBUTION” HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101 {“DEFINITIONS: CONTRIBUTION”}.

(H) *CITY BOARD.*

“CITY BOARD” MEANS THE BALTIMORE CITY BOARD OF ELECTIONS.

(I) *CITY RESIDENT.*

“CITY RESIDENT” MEANS A NATURAL PERSON WHO RESIDES IN BALTIMORE CITY.

(J) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR’S DESIGNEE.

(K) *ELECTION CYCLE.*

“ELECTION CYCLE” HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101 {“DEFINITIONS: ELECTION CYCLE”}.

(L) *ELIGIBLE CONTRIBUTION.*

“ELIGIBLE CONTRIBUTION” MEANS AN AGGREGATE DONATION IN A 4-YEAR ELECTION CYCLE FROM AN INDIVIDUAL, INCLUDING AN INDIVIDUAL WHO DOES NOT RESIDE IN THE CITY, THAT DOES NOT EXCEED THE CONTRIBUTION LEVEL ESTABLISHED IN THIS SUBTITLE.

(M) *FUND.*

“FUND” MEANS THE BALTIMORE CITY FAIR ELECTION FUND.

(N) *PARTICIPATING CANDIDATE.*

“PARTICIPATING CANDIDATE” MEANS A CERTIFIED CANDIDATE WHO HAS RECEIVED A PUBLIC CONTRIBUTION FROM THE FUND DURING THE CURRENT ELECTION CYCLE.

(O) *PUBLIC CONTRIBUTION.*

“PUBLIC CONTRIBUTION” MEANS ANY MONEY DISBURSED FROM THE FUND TO A CERTIFIED CANDIDATE.

(P) *PUBLICLY FUNDED CAMPAIGN ACCOUNT.*

“PUBLICLY FUNDED CAMPAIGN ACCOUNT” MEANS A CAMPAIGN FINANCE ACCOUNT ESTABLISHED BY A CANDIDATE FOR THE EXCLUSIVE PURPOSE OF RECEIVING ELIGIBLE CONTRIBUTIONS AND SPENDING FUNDS IN ACCORDANCE WITH THIS SUBTITLE.

(Q) *QUALIFYING BOOST.*

“QUALIFYING BOOST” MEANS A ONE-TIME DISBURSEMENT FROM THE FUND TO CANDIDATES FOR MAYOR OR COUNCIL PRESIDENT ON CERTIFICATION UNDER THIS SUBTITLE.

(R) *QUALIFYING CONTRIBUTION.*

(1) *IN GENERAL.*

“QUALIFYING CONTRIBUTION” MEANS AN ELIGIBLE CONTRIBUTION IN SUPPORT OF AN APPLICANT CANDIDATE THAT IS:

- (I) MADE BY A CITY RESIDENT;
- (II) MADE AFTER THE BEGINNING OF THE DESIGNATED QUALIFYING PERIOD, BUT NO LATER THAN THE RESPECTIVE ELECTION; AND
- (III) ACKNOWLEDGED BY RECEIPT THAT IDENTIFIES THE CONTRIBUTOR’S NAME AND RESIDENTIAL ADDRESS AND SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A DIGITAL SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

(2) *EXCLUSION.*

“QUALIFYING CONTRIBUTION” DOES NOT INCLUDE AN IN-KIND CONTRIBUTION OF PROPERTY, GOODS, OR SERVICES.

(S) *QUALIFYING PERIOD.*

“QUALIFYING PERIOD” MEANS THE TIME BEGINNING ON JANUARY 1 FOLLOWING THE LAST ELECTION FOR THE OFFICE THE CANDIDATE SEEKS AND ENDING 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

(T) *SLATE.*

“SLATE” HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101 {“DEFINITIONS: SLATE”}.

(U) *STATE BOARD.*

“STATE BOARD” MEANS THE MARYLAND STATE BOARD OF ELECTIONS.

§ 11-2. *{RESERVED}*

§ 11-3. **FINDINGS.**

(A) *IN GENERAL.*

THE MAYOR AND CITY COUNCIL FIND AS FOLLOWS.

(B) *RESPONSIVE GOVERNMENT.*

LOCAL GOVERNMENT SHOULD BE RESPONSIVE AND SERVE THE NEEDS OF ALL BALTIMORE CITY RESIDENTS EQUALLY WITHOUT REGARD TO THEIR WEALTH. PUBLIC OFFICIALS SHOULD DISCHARGE THEIR DUTIES IN AN IMPARTIAL MANNER, FREE FROM BIAS CREATED BY THEIR OWN FINANCIAL INTERESTS OR, IN THE CASE OF ELECTED OFFICIALS, THE FINANCIAL INTERESTS OF THOSE THAT MAY HAVE SUPPORTED THEM DURING THEIR ELECTORAL CAMPAIGNS.

(C) *ESCALATING COSTS OF ELECTORAL CAMPAIGNS.*

COSTS OF CONDUCTING ELECTORAL CAMPAIGNS HAVE INCREASED SIGNIFICANTLY IN RECENT YEARS. MANY CANDIDATES ARE FORCED TO FINANCE THEIR CAMPAIGNS BY SEEKING LARGE CONTRIBUTIONS FROM INDIVIDUALS AND ENTITIES WHO THEREBY GAIN DISPROPORTIONATE INFLUENCE OVER GOVERNMENTAL DECISION ONCE THE CANDIDATE HOLDS OFFICE. QUALIFIED CANDIDATES WITHOUT ACCESS TO PERSONAL WEALTH OR WEALTHY DONOR NETWORKS ARE OFTEN DISSUADED FROM SEEKING PUBLIC OFFICE. THOSE THAT DO RUN FIND IT DIFFICULT TO WIN WITH THEIR VOICES DROWNED OUT IN THE MEDIA AND ON THE GROUND.

(D) *NEGATIVE PUBLIC PERCEPTION.*

PERCEPTION OF THE INAPPROPRIATE AND DISPROPORTIONATE INFLUENCE ON GOVERNMENT BY THOSE MONIED DONORS WHO DOMINATE CAMPAIGN FINANCING HAS LED TO DISILLUSIONMENT AMONG CITY RESIDENTS WHO HAVE FELT THAT THEIR VOICES ARE NOT HEARD. THIS DISILLUSIONMENT HAS RESULTED IN DISENGAGEMENT FROM THE POLITICAL PROCESS AND GOVERNMENT.

(E) *CITY POLICY.*

IT IS THE POLICY OF BALTIMORE CITY TO:

- (1) DIMINISH THE PUBLIC PERCEPTION OF CORRUPTION AND BUILD PUBLIC FAITH AND CONFIDENCE IN GOVERNMENTAL AND ELECTORAL PROCESSES;
- (2) HELP REDUCE THE INFLUENCE OF LARGE INDIVIDUAL AND CORPORATE CAMPAIGN CONTRIBUTIONS ON CITY GOVERNMENT AND ELIMINATE THE POTENTIAL FOR PUBLIC CORRUPTION;
- (3) REDUCE THE IMPACT OF WEALTH AS A DETERMINANT FOR WHETHER AN INDIVIDUAL SEEKS TO PURSUE PUBLIC OFFICE;
- (4) ENABLE CITY RESIDENTS OF ALL RACES AND INCOME TO RUN FOR OFFICE BASED ON THE STRENGTH OF THEIR IDEAS, SUPPORTED BY SMALL DONATIONS FROM THE PUBLIC AND MATCHING FUNDS FROM THE FUND;
- (5) PROVIDE PARTICIPATING CANDIDATES WITH SUFFICIENT RESOURCES IN ORDER TO COMMUNICATE WITH VOTERS;
- (6) FOSTER GREATER INVESTMENT AND MORE MEANINGFUL PUBLIC PARTICIPATION IN THE POLITICAL PROCESS AMONG ALL BALTIMOREANS, REGARDLESS OF RACE, GENDER, SOCIO-ECONOMIC STATUS, OR GEOGRAPHY;
- (7) PRIORITIZE ACCOUNTABILITY AMONG ELECTED OFFICIALS TO THE CONSTITUENTS WHO ELECT THEM RATHER THAN THOSE WHO FUND THEIR CAMPAIGNS;
- (8) STRENGTHEN PUBLIC CONTROL OVER THE DIRECTION OF LOCAL GOVERNMENT; AND
- (9) STRENGTHEN DEMOCRACY IN THE CITY OF BALTIMORE.

§ 11-4. *{RESERVED}*

PART 2. FUND; COMMISSION

§ 11-5. FAIR ELECTION FUND ESTABLISHED.

(A) *IN GENERAL.*

THERE IS A BALTIMORE CITY FAIR ELECTION FUND.

(B) *NATURE OF FUND.*

THE FUND IS A CONTINUING, NONLAPSING FUND ESTABLISHED UNDER THE AUTHORITY OF CITY CHARTER ARTICLE I, § 15 {"SPECIAL FUND FOR FAIR ELECTIONS"}.

(C) *PURPOSES OF FUND.*

AS SET FORTH IN CITY CHARTER ARTICLE I, § 15(A)(2), THE PURPOSES OF THE FUND INCLUDE:

- (1) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET CERTAIN QUALIFICATIONS;
- (2) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS SEEKING TO MAKE USE OF PUBLIC CAMPAIGN FUNDING;
- (3) PUBLICIZING THE AVAILABILITY OF PUBLIC CAMPAIGN FUNDING; AND
- (4) ADMINISTERING A PUBLIC CAMPAIGN FUNDING PROGRAM.

(D) *CONTENTS OF FUND.*

THE FUND CONSISTS OF:

- (1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;
- (2) GRANTS OR DONATIONS MADE TO THE FUND;
- (3) ANY UNSPENT MONEY REMAINING IN A CERTIFIED CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AFTER THE CANDIDATE IS NO LONGER A CANDIDATE FOR OFFICE;
- (4) ANY PUBLIC CONTRIBUTION PLUS INTEREST RETURNED TO THE FUND BY A PARTICIPATING CANDIDATE WHO WITHDRAWS FROM PARTICIPATION;
- (5) INTEREST EARNED ON MONEY IN THE FUND; AND
- (6) PROCEEDS FROM FEES AND FINES COLLECTED UNDER THIS SUBTITLE.

(E) *USES OF FUND.*

THE FUND MAY ONLY BE USED FOR THE PURPOSES SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

§ 11-6. *{RESERVED}*

§ 11-7. **FAIR ELECTION FUND COMMISSION.**

(A) *IN GENERAL.*

THERE IS A BALTIMORE CITY FAIR ELECTION FUND COMMISSION AS SPECIFIED IN CITY CHARTER ARTICLE I, § 15(B).

(B) *STAFF.*

THE DEPARTMENT OF FINANCE MUST PROVIDE STAFF SUPPORT FOR THE COMMISSION TO:

- (1) WORK WITH THE STATE BOARD TO ADMINISTER THE FUND AND TO PROVIDE

OVERSIGHT OF APPLICANT AND PARTICIPATING CANDIDATES; AND

- (2) PROVIDE INFORMATION ABOUT THE FUND TO CANDIDATES AND THE PUBLIC.

§ 11-8. DUTIES OF THE COMMISSION.

(A) *IN GENERAL.*

- (1) THE COMMISSION MUST ADMINISTER THE FUND AND ENSURE THAT THE FUNDS ARE DISPERSED IN AN EQUITABLE BASIS.
- (2) NO FUNDS MAY BE DISPERSED FROM THE FUND WITHOUT COMMISSION AUTHORIZATION.

(B) *ANNUAL REPORT.*

ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSION MUST ISSUE A REPORT TO THE MAYOR AND CITY COUNCIL CONTAINING:

- (1) AN ESTIMATE OF THE FUNDS NECESSARY TO IMPLEMENT THE PUBLIC CAMPAIGN FINANCE SYSTEM FOR THE FOLLOWING FISCAL YEAR;
- (2) A RECOMMENDATION FOR AN APPROPRIATION TO THE FUND FOR THE FOLLOWING FISCAL YEAR; AND
- (3) IF NECESSARY, ANY RECOMMENDATIONS FOR DEDICATED SOURCES OF FUNDING.

(C) *MEETINGS.*

THE COMMISSION MUST MEET:

- (1) AT LEAST ONCE EVERY 90 DAYS DURING THE 12 MONTHS PRECEDING A PRIMARY ELECTION; AND
- (2) AT LEAST TWICE A YEAR OTHERWISE.

§ 11-9. RULES AND REGULATIONS.

(A) *IN GENERAL.*

THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING SPECIFYING:

- (1) HOW AND WHEN RECEIPTS FOR QUALIFYING CONTRIBUTIONS FROM CONTRIBUTORS MUST BE SUBMITTED TO THE STATE BOARD;
- (2) THE DOCUMENTS THAT MUST BE FILED WITH THE STATE BOARD FOR CERTIFICATION;
- (3) WHEN DISBURSEMENTS FROM THE FUND ARE MADE TO A PARTICIPATING CANDIDATE

AND THE AMOUNTS DISBURSED;

(4) THE ALLOWABLE USES OF MONEY IN A PUBLICLY FUNDED CAMPAIGN ACCOUNT; AND

(5) OTHER POLICIES NECESSARY TO IMPLEMENT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

§ 11-10. {RESERVED}

PART 3. COMMUNITY ENGAGEMENT; POST-ELECTION REVIEWS

§ 11-11. COMMUNITY EDUCATION AND ENGAGEMENT.

(A) *IN GENERAL.*

AT LEAST 18 MONTHS PRIOR TO A GENERAL ELECTION, THE COMMISSION MUST CONDUCT CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS AIMED AT ENSURING THAT CANDIDATES AND VOTERS ARE INFORMED ON THE FUND AND HOW THEY MAY PARTICIPATE.

(B) *ACTIVITIES.*

IN CONDUCTING THE CIVIC EDUCATION AND COMMUNITY ENGAGEMENT EFFORTS REQUIRED UNDER THIS SECTION, THE COMMISSION MUST:

- (1) CREATE AND DISTRIBUTE EDUCATION MATERIALS THAT RAISE AWARENESS ABOUT THE FUND AMONG VOTERS AND POTENTIAL CANDIDATES;
- (2) PROVIDE TRAINING TO CANDIDATES AND CAMPAIGNS REGARDING THE FUND AND ANY APPLICABLE CAMPAIGN FINANCE LAWS AND REGULATIONS; AND
- (3) WORK WITH COMMUNITY-BASED ORGANIZATIONS TO ENSURE EDUCATION MATERIALS ARE RELEVANT AND ASSESSABLE TO MEMBERS OF COMMUNITIES THAT HISTORICALLY HAVE BEEN MARGINALIZED FROM ELECTIONS AND CIVIC PROCESSES, INCLUDING MAKING ANY NECESSARY TRANSLATIONS FOR BALTIMORE VOTERS.

§ 11-12. COMMISSION REVIEW.

(A) *IN GENERAL.*

AFTER EACH GENERAL ELECTION FOR CITY OFFICE, THE COMMISSION MUST CONDUCT A COMPREHENSIVE REVIEW OF THE FINANCING PROGRAM UNDER THIS SUBTITLE, INCLUDING:

- (1) THE MAXIMUM AND MINIMUM DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS;

- (2) THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS A CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR CERTIFICATION AS A PARTICIPATING CANDIDATE;
- (3) THE MAXIMUM AMOUNT OF DISBURSEMENTS A CANDIDATE MAY RECEIVE UNDER THIS SUBTITLE;
- (4) THE OVERALL SATISFACTION OF PARTICIPATING CANDIDATES AND THE PUBLIC WITH THE PROGRAM;
- (5) THE ANALYSIS, RECOMMENDATION AND CREATION OF A PLAN TO THE MAYOR AND CITY COUNCIL TO REDUCE RACIAL, ETHNIC, SOCIO-ECONOMIC AND GEOGRAPHIC DISPARITIES REGARDING ACCESS TO PUBLIC MATCHING FUNDS BY PARTICIPATING CANDIDATES; AND
- (6) OTHER MATTERS RELATING TO FINANCING OF CAMPAIGNS AS THE COMMISSION DETERMINES ARE APPROPRIATE.

(B) *CRITERIA FOR REVIEW.*

IN CONDUCTING THE REVIEW UNDER THIS SECTION, THE COMMISSION MUST CONSIDER THE FOLLOWING:

- (1) WHETHER THE NUMBER AND DOLLAR AMOUNTS OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS REQUIRED STRIKES AN APPROPRIATE BALANCE REGARDING:
 - (I) THE IMPORTANCE OF VOTER INVOLVEMENT; AND
 - (II) THE NEED TO ASSURE ADEQUATE INCENTIVES FOR PARTICIPATION AND FISCAL RESPONSIBILITY, TAKING INTO CONSIDERATION THE NUMBER OF PRIMARY AND GENERAL ELECTION PARTICIPATING CANDIDATES, THE ELECTORAL PERFORMANCE OF THOSE CANDIDATES, PROGRAM COST, AND ANY OTHER INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE;
- (2) WHETHER THE TOTALITY OF THE AMOUNT OF FUNDS ALLOWED TO BE RAISED BY PARTICIPATING CANDIDATES, INCLUDING THROUGH QUALIFIED SMALL DOLLAR CONTRIBUTIONS, AND DISBURSEMENTS UNDER THIS SUBTITLE ARE SUFFICIENT FOR VOTERS IN THE CITY TO LEARN ABOUT THE CANDIDATES TO CAST AN INFORMED VOTE, TAKING INTO ACCOUNT THE HISTORIC AMOUNT OF SPENDING BY WINNING CANDIDATES, MEDIA COSTS, PRIMARY ELECTION DATES, AND ANY OTHER INFORMATION THE COMMISSION DETERMINES IS APPROPRIATE; AND
- (3) ANY OTHER MATTER RELATING TO PUBLIC CAMPAIGN FINANCING THAT THE COMMISSION DETERMINES ARE NECESSARY AND APPROPRIATE FOR A THOROUGH REVIEW.

(C) *RECOMMENDATIONS.*

BASED ON THE REVIEW CONDUCTED UNDER THIS SECTION, THE COMMISSION MAY RECOMMEND TO THE MAYOR AND CITY COUNCIL:

- (1) ADJUSTMENTS TO THE NUMBER AND VALUE OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS A CANDIDATE IS REQUIRED TO OBTAIN TO BE ELIGIBLE FOR CERTIFICATION AS A PARTICIPATING CANDIDATE;
- (2) ADJUSTMENTS TO THE MAXIMUM AMOUNT OF DISBURSEMENTS THAT MAY BE RECEIVED UNDER THIS SUBTITLE; OR
- (3) ANY OTHER LEGISLATIVE CHANGE NECESSARY TO INCREASE CANDIDATE PARTICIPATION, VOTER PARTICIPATION, OR BOTH.

(D) *COMMUNITY PARTICIPATION.*

THE COMMISSION MUST ENGAGE COMMUNITY MEMBERS AND COMMUNITY-BASED ORGANIZATIONS IN THE REVIEW UNDER THIS SECTION TO DETERMINE WHETHER THE FUND IS ACHIEVING ITS STATED PURPOSES OF FOSTERING GREATER PARTICIPATION IN THE POLITICAL PROCESS.

§ 11-13. *{RESERVED}*

PART 4. CANDIDATE AND FUND PROCEDURES

§ 11-14. *COLLECTING QUALIFYING CONTRIBUTIONS.*

(A) *IN GENERAL.*

BEFORE RAISING ANY CONTRIBUTIONS UNDER THIS SUBTITLE, AN APPLICANT CANDIDATE MUST:

- (1) FILE A NOTICE OF INTENT WITH THE STATE BOARD IN THE MANNER THAT THE STATE BOARD REQUIRES; AND
- (2) ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(B) *CONTRIBUTION LIMITS.*

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

- (I) AN ELIGIBLE CONTRIBUTION OF MORE THAN \$150 IN THE AGGREGATE DURING AN ELECTION; OR
- (II) A LOAN.

(2) AN APPLICANT CANDIDATE MAY LOAN OR CONTRIBUTE UP TO \$6,000 DURING AN ELECTION CYCLE FROM:

- (I) THE APPLICANT CANDIDATE; OR
- (II) THE APPLICANT CANDIDATE'S SPOUSE.

(C) *CONSUMER PRICE INDEX ADJUSTMENT.*

(1) THE CONTRIBUTION LIMIT SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION MUST BE ADJUSTED FOR THE NEXT ELECTION CYCLE ON JULY 1, 2028, AND JULY 1 OF EACH SUBSEQUENT FOURTH YEAR BY THE PERCENTAGE INCREASE IN THE BALTIMORE-COLUMBIA-TOWSON CONSUMER PRICE INDEX, AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR, ROUNDED UP BY THE NEAREST MULTIPLE OF \$10.

(2) THE DIRECTOR MUST PUBLISH THIS ADJUSTED AMOUNT NO LATER THAN THE JANUARY 1 AFTER THE ADJUSTMENT IS MADE.

§ 11-15. REQUIREMENTS FOR CERTIFICATION.

(A) *APPLICATION.*

(1) A CANDIDATE MUST APPLY TO THE STATE BOARD FOR CERTIFICATION DURING THE QUALIFYING PERIOD IN THE FORM THAT THE STATE BOARD REQUIRES.

(2) AN APPLICANT CANDIDATE MUST INCLUDE WITH THE APPLICATION ANY DOCUMENTATION REQUIRED BY THE STATE OR, IN THE ABSENCE OF STATE REQUIREMENTS, THE FOLLOWING:

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

(II) A CAMPAIGN FINANCE REPORT THAT CONTAINS THE INFORMATION THAT THE STATE BOARD REQUIRES FOR A CAMPAIGN FINANCE REPORT AND THAT INCLUDES:

(A) A LIST OF EACH QUALIFYING CONTRIBUTION RECEIVED;

(B) A LIST OF EACH EXPENDITURE MADE BY THE CANDIDATE DURING THE QUALIFYING PERIOD;

(C) A COPY OF THE RECEIPT ASSOCIATED WITH EACH CONTRIBUTION THAT IDENTIFIES THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS; AND

(D) A COPY OF THE RECEIPT ASSOCIATED WITH EACH EXPENDITURE; AND

(III) A CERTIFICATE OF CANDIDACY FOR MAYOR, COUNCIL PRESIDENT, COMPTROLLER, OR CITY COUNCILMEMBER.

(B) *QUALIFICATIONS.*

TO QUALIFY AS A CERTIFIED CANDIDATE:

- (1) A CANDIDATE FOR MAYOR MUST COLLECT AT LEAST:
 - (i) 500 QUALIFYING CONTRIBUTIONS; AND
 - (ii) AN AGGREGATE TOTAL OF \$40,000;
- (2) A CANDIDATE FOR COUNCIL PRESIDENT MUST COLLECT AT LEAST:
 - (i) 250 QUALIFYING CONTRIBUTIONS; AND
 - (ii) AN AGGREGATE TOTAL OF \$15,000;
- (3) A CANDIDATE FOR COMPTROLLER MUST COLLECT AT LEAST:
 - (i) 150 QUALIFYING CONTRIBUTIONS; AND
 - (ii) AN AGGREGATE TOTAL OF \$5,000; AND
- (4) A CANDIDATE FOR CITY COUNCILMEMBER MUST COLLECT AT LEAST:
 - (i) 150 QUALIFYING CONTRIBUTIONS; AND
 - (ii) AN AGGREGATE TOTAL OF \$5,000.

(C) *CONTRIBUTIONS.*

- (1) AN APPLICANT CANDIDATE MUST DEPOSIT ALL CONTRIBUTIONS INTO THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.
- (2) AN APPLICANT CANDIDATE MUST DELIVER TO THE STATE BOARD A COPY OF A RECEIPT FOR EACH QUALIFYING CONTRIBUTION THAT IDENTIFIES THE CONTRIBUTOR'S NAME AND RESIDENTIAL ADDRESS THAT IS SIGNED BY THE CONTRIBUTOR DIRECTLY OR BY A DIGITAL SIGNATURE USING A METHOD APPROVED BY THE STATE BOARD.

(D) *INELIGIBILITY.*

AN APPLICANT CANDIDATE IS INELIGIBLE FOR CERTIFICATION IF THE COMMISSION, IN CONSULTATION WITH THE STATE BOARD, HAS DETERMINED THAT THE APPLICANT CANDIDATE HAS:

- (1) FAILED TO SUBMIT A CAMPAIGN FINANCE REPORT IN THE 4 YEARS PRECEDING THE ELECTION CYCLE;
- (2) COORDINATED WITH A POLITICAL ACTION COMMITTEE; OR

(3) VIOLATED ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

§ 11-16. CERTIFICATION DETERMINATION.

(A) *IN GENERAL.*

(1) WITHIN 10 DAYS OF RECEIVING A COMPLETE APPLICATION FOR CERTIFICATION, THE STATE BOARD MUST MAKE A RECOMMENDATION TO THE COMMISSION WHETHER TO CERTIFY AN APPLICANT CANDIDATE.

(2) WITHIN 5 DAYS OF RECEIVING THE STATE BOARD'S RECOMMENDATION, THE COMMISSION MUST CERTIFY OR DENY THE APPLICANT CANDIDATE.

(B) *FINALITY OF DECISION.*

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE DECISION BY THE COMMISSION WHETHER TO CERTIFY A CANDIDATE IS FINAL.

(C) *COMMISSION TO AUTHORIZE.*

IF THE COMMISSION CERTIFIES A CANDIDATE, THE COMMISSION MUST AUTHORIZE THE DIRECTOR TO DISBURSE A PUBLIC CONTRIBUTION TO THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(D) *DENIAL OF APPLICATION.*

IF AN APPLICATION IS DENIED, THE APPLICANT CANDIDATE MAY RESUBMIT A NEW OR MODIFIED APPLICATION ONE TIME WITHIN THE EARLIER OF:

(1) 10 BUSINESS DAYS AFTER RECEIVING NOTICE THAT THE COMMISSION DENIED THE APPLICATION; OR

(2) THE END OF THE QUALIFYING PERIOD.

§ 11-17. DISTRIBUTION OF PUBLIC CONTRIBUTION.

(A) *IN GENERAL.*

ON AUTHORIZATION BY THE COMMISSION, THE DIRECTOR MUST DISTRIBUTE A PUBLIC CONTRIBUTION FROM THE FUND TO EACH CERTIFIED CANDIDATE IN A CONTESTED ELECTION ONLY DURING THE DISTRIBUTION PERIOD AS FOLLOWS:

(1) FOR A CERTIFIED CANDIDATE FOR EITHER MAYOR OR COUNCIL PRESIDENT, THE MATCHING DOLLARS MUST EQUAL:

(i) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

(ii) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

(iii) \$2 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

(2) FOR A CERTIFIED CANDIDATE FOR EITHER COMPTROLLER OR CITY COUNCILMEMBER, THE MATCHING DOLLARS MUST EQUAL:

(i) \$9 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FIRST \$25 OF EACH QUALIFYING CONTRIBUTION;

(ii) \$5 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE NEXT \$50 OF EACH QUALIFYING CONTRIBUTION; AND

(iii) \$0 FOR EACH DOLLAR OF A QUALIFYING CONTRIBUTION RECEIVED FOR THE FINAL \$75 OF EACH QUALIFYING CONTRIBUTION.

(B) *QUALIFYING BOOST.*

(1) *IN GENERAL.*

IN ADDITION TO ANY PUBLIC CONTRIBUTIONS MADE UNDER SUBSECTION (A)(1) OF THIS SECTION, WITHIN 5 DAYS OF CERTIFICATION BY THE COMMISSION, THE DIRECTOR MUST DISBURSE FROM THE FUND A QUALIFYING BOOST OF:

(i) \$200,000 FOR A CANDIDATE FOR MAYOR; AND

(ii) \$50,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT.

(2) *MULTIPLE BOOSTS PROHIBITED.*

A CANDIDATE MAY NOT RECEIVE MORE THAN 1 QUALIFYING BOOST DURING AN ELECTION CYCLE.

(C) *MAXIMUM PUBLIC CONTRIBUTION.*

(1) *IN GENERAL.*

EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TOTAL PUBLIC CONTRIBUTION PAYABLE TO A CERTIFIED CANDIDATE FOR EITHER A PRIMARY OR A GENERAL ELECTION MAY NOT EXCEED:

(i) \$1,500,000 FOR A CANDIDATE FOR MAYOR;

(ii) \$375,000 FOR A CANDIDATE FOR COUNCIL PRESIDENT;

(iii) \$200,000 FOR A CANDIDATE FOR COMPTROLLER; AND

(iv) \$125,000 FOR A CANDIDATE FOR CITY COUNCILMEMBER.

(2) *EXCLUSION.*

THE LIMITS SPECIFIED IN THIS SUBSECTION DO NOT INCLUDE THE QUALIFYING BOOST RECEIVED BY A CANDIDATE FOR MAYOR OR COUNCIL PRESIDENT.

(D) *PROHIBITED PUBLIC CONTRIBUTIONS.*

THE DIRECTOR MAY NOT DISTRIBUTE A PUBLIC CONTRIBUTION BASED ON:

- (1) A CONTRIBUTION OR LOAN FROM THE CANDIDATE OR THE CANDIDATE'S SPOUSE; OR
- (2) AN IN-KIND CONTRIBUTION OF PROPERTY, GOODS, OR SERVICES.

(E) *FUND INSUFFICIENCY.*

- (1) ON OR BEFORE JULY 1 OF EACH YEAR PRECEDING A PRIMARY ELECTION, THE DIRECTOR MUST DETERMINE IF THE AMOUNT IN THE FUND IS SUFFICIENT TO MEET THE MAXIMUM PUBLIC CONTRIBUTIONS AND QUALIFYING BOOSTS REASONABLY EXPECTED TO BE REQUIRED DURING THE NEXT ELECTION CYCLE.
- (2) 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 MUST REDUCE EACH PUBLIC CONTRIBUTION AND QUALIFYING BOOST TO A CERTIFIED CANDIDATE BY THE SAME PERCENTAGE OF THE TOTAL PUBLIC CONTRIBUTION.

(F) *DISBURSEMENTS AFTER THE PRIMARY ELECTION.*

WITHIN 3 BUSINESS DAYS OF THE PRIMARY ELECTION, THE COMMISSION MUST AUTHORIZE THE DIRECTOR TO CONTINUE TO DISBURSE THE APPROPRIATE PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION TO EACH PARTICIPATING CANDIDATE.

(G) *RETURN OF UNSPENT FUNDS.*

(1) *PRIMARY ELECTION CANDIDATES.*

WITHIN 30 DAYS OF THE CERTIFICATION BY THE CITY BOARD OF THE RESULTS OF THE PRIMARY ELECTION, A PARTICIPATING CANDIDATE WHO IS NOT CERTIFIED TO BE ON THE BALLOT FOR THE GENERAL ELECTION MUST RETURN TO THE FUND ANY UNSPENT MONEY IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(2) *GENERAL ELECTION CANDIDATES.*

ON OR BEFORE DECEMBER 31 AFTER THE GENERAL ELECTION, A PARTICIPATING

CANDIDATE MUST RETURN TO THE FUND ANY UNSPENT MONEY IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(H) *PETITION-NOMINATED AND NON-PRINCIPAL POLITICAL PARTY CANDIDATES.*

- (1) IN THIS SUBSECTION, "PRINCIPAL POLITICAL PARTY" HAS THE MEANING STATED IN STATE ELECTION LAW ARTICLE, § 1-101 {"DEFINITIONS: PRINCIPAL POLITICAL PARTIES"}.
- (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 CITY BOARD.
- (3) A CERTIFIED CANDIDATE UNDER THIS SUBSECTION MUST QUALIFY AS A CERTIFIED CANDIDATE AT LEAST 45 DAYS BEFORE THE DATE OF THE GENERAL ELECTION.

§ 11-18. USE OF PUBLIC CONTRIBUTION.

(A) *IN GENERAL.*

A PARTICIPATING CANDIDATE MAY ONLY MAKE EXPENDITURES FROM THE PUBLICLY FUNDED CAMPAIGN ACCOUNT REGISTERED WITH THE STATE BOARD FOR EXPENSES INCURRED ONCE THE CANDIDATE IS CERTIFIED BY THE COMMISSION.

(B) *PREVIOUS EXPENSES OR LOANS.*

A PARTICIPATING CANDIDATE MAY NOT USE ANY PORTION OF A PUBLIC CONTRIBUTION TO PAY FOR EXPENSES OR LOANS INCURRED PRIOR TO BEING CERTIFIED BY THE COMMISSION.

(C) *ADVANCE PAYMENT.*

A PARTICIPATING CANDIDATE MAY NOT PAY IN ADVANCE FOR GOODS AND SERVICES TO BE USED AFTER CERTIFICATION WITH NON-QUALIFYING CONTRIBUTIONS RECEIVED BEFORE APPLYING FOR CERTIFICATION.

(D) *REDUCTION OF PUBLIC CONTRIBUTION.*

- (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DIRECTOR MUST REDUCE THE PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT BY THE TOTAL AMOUNT OF ALL EXPENDITURES MADE AFTER THE END OF THE PREVIOUS ELECTION CYCLE FROM THE CANDIDATE'S NON-PARTICIPATING CAMPAIGN ACCOUNT.
- (2) EXPENDITURES MADE WITH CONTRIBUTIONS RECEIVED PRIOR TO THE END OF THE PREVIOUS ELECTION CYCLE TOWARDS DEBTS ACCRUED BEFORE THE END OF THE PREVIOUS ELECTION CYCLE MAY NOT REDUCE THE PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(E) *ADDITIONAL LIMITATIONS.*

THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, MAY FURTHER LIMIT USE OF PUBLIC CONTRIBUTIONS IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(F) *ALLEGATIONS OF A PROHIBITED ACT.*

A COMPLAINT ALLEGING A PROHIBITED RECEIPT OR USE OF FUNDS BY A PARTICIPATING CANDIDATE MUST BE FILED WITH THE STATE BOARD.

(G) *ACCESS TO RECORDS.*

(1) ON REQUEST BY THE COMMISSION, A PARTICIPATING CANDIDATE MUST PROVIDE THE COMMISSION WITH REASONABLE ACCESS TO THE FINANCIAL RECORDS OF THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(2) A PARTICIPATING CANDIDATE MUST KEEP ALL RECORDS FOR A PERIOD OF 4 YEARS AFTER THE ELECTION TO WHICH THE DOCUMENTS RELATE.

(3) THE RECORDS MUST BE RETAINED BY THE CAMPAIGN TREASURER UNLESS THE STATE BOARD HAS BEEN NOTIFIED OTHERWISE.

§ 11-19. WITHDRAWAL.

(A) *CERTIFIED CANDIDATES.*

A CERTIFIED CANDIDATE MAY WITHDRAW AN APPLICATION FOR A PUBLIC CONTRIBUTION ANY TIME BEFORE THE PUBLIC CONTRIBUTION IS RECEIVED BY THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(B) *PARTICIPATING CANDIDATES.*

A PARTICIPATING CANDIDATE MAY WITHDRAW FROM PARTICIPATING IF THE CANDIDATE:

(1) FILES A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD AND THE COMMISSION ON A FORM THAT THE STATE BOARD REQUIRES; AND

(2) REPAYS TO THE FUND THE FULL AMOUNT OF ANY PUBLIC CONTRIBUTION RECEIVED, PLUS INTEREST ACCRUING FROM THE DATE OF WITHDRAWAL AT THE SAME RATE AS THE CURRENT BANK PRIME LOAN RATE REPORTED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(C) *PERSONAL LIABILITY.*

IF THE FUNDS REMAINING IN THE PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AT THE TIME OF WITHDRAWAL ARE INSUFFICIENT TO REPAY THE FUND UNDER SUBSECTION (B) OF THIS SECTION, THE CANDIDATE IS PERSONALLY LIABLE FOR REPAYMENT.

(D) *REDUCED REPAYMENT.*

- (1) THE COMMISSION MAY REDUCE ANY REPAYMENT UNDER SUBSECTION (B) OF THIS SECTION FOR A PARTICIPATING CANDIDATE WHO MUST WITHDRAW FOR HEALTH REASONS OR OTHER CAUSE NOT WITHIN THE CANDIDATE'S CONTROL.
- (2) IN CONSIDERING A REPAYMENT REDUCTION UNDER THIS SUBSECTION, THE COMMISSION MAY CONSIDER THE PARTICIPATING CANDIDATE'S PERSONAL FINANCIAL HARDSHIP.

§ 11-20. *{RESERVED}*

PART 5. RESTRICTIONS; ENFORCEMENT

§ 11-21. *APPLICANT AND PARTICIPATING CANDIDATE RESTRICTIONS.*

(A) *IN GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT CANDIDATE OR A PARTICIPATING CANDIDATE MAY 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 GREATER THAN \$150 DURING AN ELECTION, OR THE MAXIMUM AMOUNT OF AN ELIGIBLE CONTRIBUTION, AS ADJUSTED BY §11-14(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 CANDIDATES' PUBLICLY FUNDED CAMPAIGN ACCOUNT;
- (4) BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE RECEIVES A PUBLIC CONTRIBUTION; OR
- (5) TRANSFER MONEY:
 - (I) TO THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT FROM ANY OTHER CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; OR
 - (II) FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT TO ANY OTHER CAMPAIGN FINANCE ENTITY.

(B) *AFFILIATION.*

PURSUANT TO COMAR 33.13.14, A CANDIDATE WHO ACCEPTS A PUBLIC CONTRIBUTION MAY AFFILIATE WITH ANY OTHER CANDIDATES, INCLUDING NON-PUBLICLY FINANCED CANDIDATES, ON CAMPAIGN MATERIAL IF:

(I) THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE MAKES A DIRECT DISBURSEMENT TO THE PAYEE FOR ITS SHARE OF THE COSTS OF THE CAMPAIGN MATERIAL; AND

(II) THE CAMPAIGN MATERIAL DISPLAYS THE AUTHORITY LINE OF THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.

§ 11-22. {RESERVED}

§ 11-23. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

(C) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(.5A) ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT

SUBTITLE 11. FAIR ELECTION FUND \$500

(.5B) [(5a)] Article 7. Natural Resources

Division I. Floodplain Management \$500

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(.5A) *ARTICLE 5. FINANCE, PROPERTY, AND PROCUREMENT*

SUBTITLE 11. FAIR ELECTION FUND \$500

(.5B) [(5a)] *Article 7. Natural Resources*

Division I. Floodplain Management \$500

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, that the Department of Public Works must develop and implement a mechanism to allow for donations to the Fund to be made with payment of water bills.

SECTION 4. AND BE IT FURTHER ORDAINED, That City Code Article 5, Subtitle 11, Parts 1 and 2, defining certain terms and establishing the Fair Election Fund and the Fair Election Fund Commission, as enacted by this Ordinance, take effect on the date of enactment of this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, that Section 3 of this Ordinance takes effect on the date of the enactment of this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That except as provided by Sections 4 and 5 of this Ordinance, this Ordinance takes effect on January 1, 2021.



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ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____

JUN 24 2019

PUBLIC HEARING HELD ON Sept. 17, 2019 and Nov. 5, 2019 _____ 20 _____

COMMITTEE REPORT AS OF Nov. 18, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. S. East
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

NOV 18 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ DEC 02 2019
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk