

Introduced by: Councilmember Burnett

Prepared by: Department of Legislative Reference

Date: April 18, 2018

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

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

CITY COUNCIL 18-0229

A RESOLUTION ENTITLED

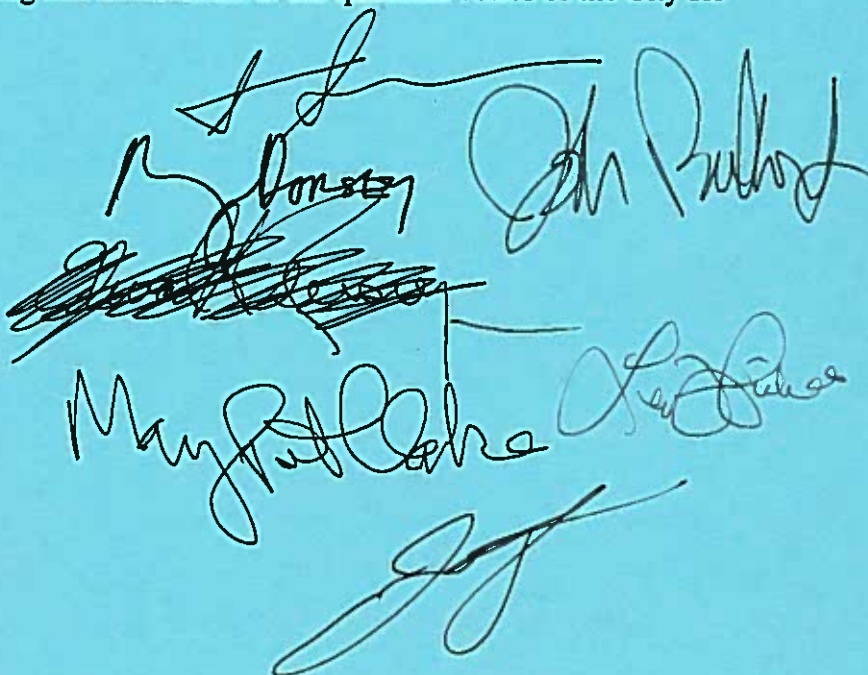
A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Fair Election Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add

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



****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

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other:

Other:

Other:

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other:

Other:

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other:

Other:

Other:

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other:

Other:

Other:

Boards and Commissions

CITY OF BALTIMORE
RESOLUTION 18.09
Council Bill 18-0229
(Charter Amendment)

Introduced by: Councilmembers Burnett, Henry, Dorsey, Bullock, Pinkett, Scott, Cohen, Sneed, Clarke

Introduced and read first time: April 23, 2018

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Fair Election Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; authorizing the Mayor and City Council to provide for the oversight, governance, and administration of the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add

Article I - General Provisions

Section 15

Baltimore City Charter

(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

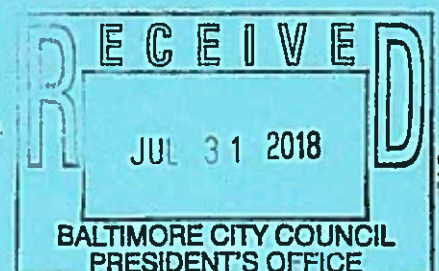
§ 15. SPECIAL FUND FOR FAIR ELECTIONS.

(A) AUTHORIZATION.

(1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A CONTINUING, NONLAPSING FUND FOR PURPOSES OF ENCOURAGING FAIR ELECTIONS BY ADMINISTERING A PUBLIC FINANCING OPTION FOR POLITICAL CAMPAIGNS FOR BALTIMORE CITY ELECTED OFFICES.

(2) THESE PURPOSES INCLUDE:

EXPLANATION: Underlining indicates matter added by amendment.
Strike-out indicates matter stricken by amendment.



Council Bill 18-0229

(I) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET CERTAIN QUALIFICATIONS;

(II) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS SEEKING TO MAKE USE OF PUBLIC CAMPAIGN FUNDING;

(III) PUBLICIZING THE AVAILABILITY OF PUBLIC CAMPAIGN FUNDING; AND

(IV) ADMINISTERING A PUBLIC CAMPAIGN FUNDING PROGRAM.

(B) BALTIMORE CITY FAIR ELECTION FUND COMMISSION.

(1) THE FUND IS ADMINISTERED BY THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION, AND NO FUNDS MAY BE DISPERSED FROM THE FUND WITHOUT AUTHORIZATION BY THAT COMMISSION.

(2) THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION CONSISTS OF 11 MEMBERS, INCLUDING:

(I) 2 MEMBERS APPOINTED BY THE MAYOR;

(II) ~~2~~ 3 MEMBERS REPRESENTING ORGANIZATIONS FOCUSED ON GOVERNMENT REFORM, APPOINTED BY THE ~~PRESIDENT OF THE CITY COUNCIL~~ MAYOR;

(III) 1 MEMBER REPRESENTING AN ORGANIZATION ADVOCATING FOR THE INTERESTS OF CITY BUSINESS OWNERS, APPOINTED BY THE ~~PRESIDENT OF THE CITY COUNCIL~~ MAYOR; AND;

(IV) ~~2~~ 5 ~~ADDITIONAL~~ MEMBERS APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL; ~~AND~~.

~~(V) 4 MEMBERS APPOINTED BY MAJORITY VOTE OF THE CITY COUNCIL.~~

(3) 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.

Council Bill 18-0229

(4) THE TERM OF A MEMBER OF THE COMMISSION IS:

(I) FOR THE MEMBERS OF THE INITIAL COMMISSION APPOINTED BY ~~VOTE~~ THE PRESIDENT OF THE CITY COUNCIL, 6 YEARS BEGINNING ON MAY 1, 2019;

(II) FOR ALL OTHER MEMBERS OF THE INITIAL COMMISSION, 4 YEARS BEGINNING ON MAY 1, 2019; AND

(III) FOR ALL MEMBERS APPOINTED TO A FULL TERM AFTER MAY 1, 2019, 4 YEARS FROM THE EXPIRATION OF THEIR PREDECESSOR'S APPOINTMENT.

(5) A VACANCY ARISING DURING A TERM SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT AND SHALL BE FILLED FOR THE REMAINDER OF THE PREDECESSOR'S TERM.

(6) THE COMMISSION SHALL ELECT A CHAIRPERSON AND A VICE CHAIRPERSON FROM ITS MEMBERS.

(7) A COMMISSION MEMBER SHALL NOT RECEIVE COMPENSATION FOR SERVICE ON THE COMMISSION, BUT MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(C) *REVENUE SOURCES.*

THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF:

(1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;

(2) GRANTS OR DONATIONS MADE TO THE FUND; AND

(3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO THE FUND BY ORDINANCE.

(D) *CONTINUING NATURE OF FUND.*

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE FUND ESTABLISHED UNDER THIS SECTION:

(1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

(2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

(3) THEIR APPROPRIATIONS DO NOT LAPSE.

(E) *IMPLEMENTATION.*

BY ORDINANCE, THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR THE OVERSIGHT, GOVERNANCE, AND ADMINISTRATION OF THE FAIR ELECTION FUND, INCLUDING:

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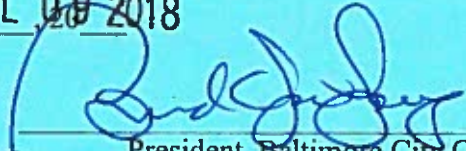
Council Bill 18-0229

(2) METHODS AND CRITERIA FOR ALLOCATING AVAILABLE FUNDS AMONG ELIGIBLE PROGRAMS OR CANDIDATES; AND

(3) THE ESTABLISHMENT OF ANY OTHER LEGISLATIVE OR ADMINISTRATIVE RULES, REGULATIONS, OR STANDARDS, CONSISTENT WITH THIS SECTION, GOVERNING THE FUND, ITS OPERATIONS, AND PROGRAMS, SERVICES, AND CANDIDATES FUNDED BY IT.

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

Certified as duly passed this _____ day of JUL 09 2018



President, Baltimore City Council


Certified as duly delivered to Her Honor, the Mayor,

this _____ day of JUL 09 2018



Chief Clerk


Approved this 30 day of July 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 16th Day of July 2018



Chief Solicitor

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 18-0229
(Charter Amendment)

Introduced by: Councilmembers Burnett, Henry, Dorsey, Bullock, Pinkett, Scott, Cohen, Sneed, Clarke

Introduced and read first time: April 23, 2018

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

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Council Bill 18-0229

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Council Bill 18-0229

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6 IT.

7 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
8 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
9 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
10 City Solicitor.

Certified as duly passed this ____ day of ____, 20__

President, Baltimore City Council

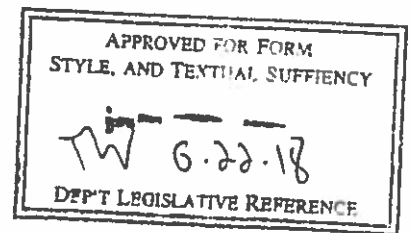
Certified as duly delivered to Her Honor, the Mayor,
this ____ day of ____, 20__

Chief Clerk

Approved this ____ day of ____, 20__

Mayor, Baltimore City

AMENDMENTS TO COUNCIL BILL 18-0229
(1st Reader Copy)



By: The Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 6, after “ordinance;” insert “authorizing the Mayor and City Council to provide for the oversight, governance, and administration of the Fair Election Fund by ordinance;”; and, on page 3, after line 27, insert:

“(E) IMPLEMENTATION.

ADOPTED

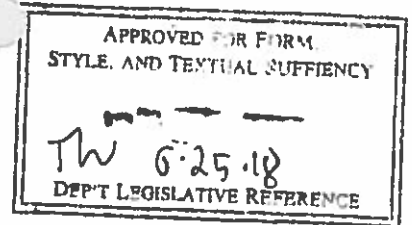
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Amendment No. 2

On page 2, in line 14, strike “2” and substitute “3”; and, on that same page, in line 15, strike “PRESIDENT OF THE CITY COUNCIL” and substitute “MAYOR”; and, in lines 17 and 18, strike “PRESIDENT OF THE CITY COUNCIL;” and substitute “MAYOR; AND”; and, in line 19, strike “2 ADDITIONAL” and substitute “5”; and, in line 20, strike “; AND” and substitute a period; and, strike line 21 in its entirety; and, on page 3, in line 2, strike “VOTE” and substitute “THE PRESIDENT”.

SECRET



AMENDMENTS TO COUNCIL BILL 18-0229
(1st Reader Copy)

By: Councilmember Schleifer
{To be offered on the Council Floor}

FAILED

Amendment No. 1

On page 1, in line 5, after “dedicate” insert “non-tax”; and, on page 3, strike line 18 in its entirety; and, on that same page, in line 19, strike “(2)” and substitute “(1)”; and, in line 20, strike “(3)” and substitute “(2)”; and, in that same line, after “OTHER” insert “NON-TAX”.



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BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD

RESOLUTION#: CC-18-0229

DATE: 6/20/18

TITLE: **Charter Amendment – Fair Election Fund**

MOTION BY: Scott SECONDED BY: Bullock

☐ 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"/>
Scott, B.	<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"/>
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TOTALS	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

CHAIRPERSON: C.V. - [Signature]

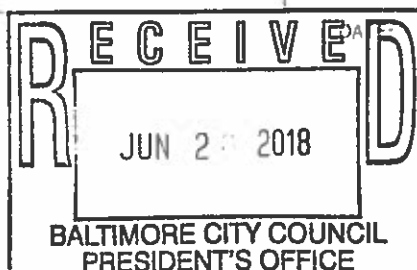
COMMITTEE STAFF: Matthew L. Peters, Initials: [Signature]

FROM	NAME & TITLE	Robert Cennamo, Chief <i>CS for</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 18-0229-Charter Amendment-Fair Election Fund		

TO

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

Attention: Ms. Natawna Austin



05/23/2018

We are responding to City Council Bill 18-0229-Charter Amendment –Fair Election Fund, the purpose of which is to authorize the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices. The charter amendment would authorize the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance, establish a Fair Election Fund Commission to administer the Fund; and submit this amendment to the qualified voters of the City for adoption or rejection.

Analysis

CCB 18-0229 would amend Article 1 Section 15 of the General Provisions of the Baltimore City Charter so that they Mayor and City Council may establish a continuing, nonlapsing fund for the purpose of encouraging fair elections by administering a public financing option for political campaigns for Baltimore City Elected Officials. Establishing the fund entails providing direct funding to candidates who meet certain qualifications, providing technical assistance and training to individuals seeking to make use of public campaign financing, and publicizing the availability of public campaign funding.

Additionally, the proposed charter amendment would establish a Fair Election Fund Commission to administer the disbursements to candidates. The charter amendment outlines a broad governance structure and states that Commission members are not allowed to receive any compensation for their service, but may be reimbursed for reasonable and necessary expenses.

Finally, the proposed bill allows the Mayor and City Council to finance the Fund by using an annual appropriation, grants or donations, or proceeds from revenue sources. Unspent portions of the Fund cannot be reverted back to general revenues or used for any other purpose. The bill clearly states that the Fund's appropriation cannot lapse.

Two other jurisdictions in Maryland have created Fair Election Funds: Montgomery County and Howard County. Montgomery County's Fair Election Fund was established in 2014 and Howard County's was established in 2016, but will not go into effect until the 2022 election cycle.

Fiscal Impact

There are several provisions of the proposed legislation, which if enacted, would have a fiscal impact. First, the proposed legislation allows the Mayor and City Council to dedicate a revenue source to the Fair Election Fund by ordinance. Dedicating a revenue source to the Fair Election Fund would limit the City's

Opposed

ability to fund other programs and services and may have the unintended consequence of forcing the City to raise additional revenue to cover the costs of other programs. Additionally, if the revenue raised by the dedicated source falls short of what is needed to properly finance the Fund, then the City may have to re-allocate resources that were dedicated to other programs.

Secondly, the legislation mandates that funds appropriated cannot lapse and must only be used for the Fair Election Fund. The Fair Election Fund's balance cannot revert back to general revenues. This limits the City of Baltimore's fiscal flexibility to meet the sometimes urgent needs of its residents. Under this proposal, funds remaining after an election cycle could not be used for any other purpose including re-allocation to agencies or programs in need.

Finally, the proposal has a number of other provisions that will have a fiscal impact. The Fair Election Fund would be responsible for providing technical assistance and training to individuals seeking to make use of public campaign funding. The bill also discusses the Fund's need to publicize the availability of campaign funding. The bill does not outline who will conduct the training or how the publicizing of the Fund's existence will be paid for. Additionally, the bill would also create a Commission to oversee the Fair Election Fund. This Commission would be reimbursed for reasonable expenses.

Recommendation

By dedicating a revenue source and/or nonlapsing appropriation to the Fair Election Fund and not allowing these funds to be used for any other purpose, the legislation could limit the City's ability to allocate resources and may result in other revenue sources having to cover the cost of the Fund.

Based on these finding, The Department of Finance opposes City Council Bill 18-0229.

cc: Henry Raymond
Kyron Banks

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor

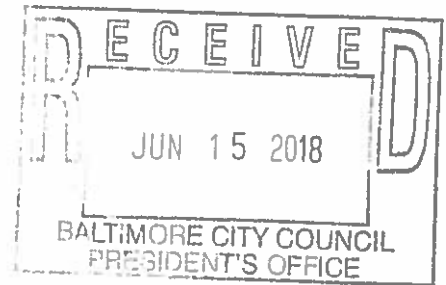


DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 15, 2018

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 18-0229- Charter Amendment – Fair Election Fund

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0229 for form and legal sufficiency. The bill amends the City Charter to authorize the establishment of a continuing, non-lapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; and to authorize the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; and establishes a fair Election Fund Commission to administer the Fund.

Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Bill 18-0299, is an appropriate method of initiating an amendment to the Baltimore City Charter. If passed by the Mayor and City Council, the Resolution would be placed on the ballot and would take effect thirty days after being approved by the voters. Md. Constit., Art. XI-A, §5.

The establishment of the special fund itself presents no legal impediments. The bill creates the Fair Election Fund Commission to administer the fund and establishes certain criteria for its members (each member must 1) be a resident of the City, 2) not be a candidate for public office, 3) not be a lobbyist required to register with the City, 4) not be the chair or treasurer for an open campaign account, 5) be a registered voter and 6) be confirmed by the City Council). CCB 18-0229, p. 2, lines 22-28. The bill also sets term limits for members, provides for how a vacancy will be filled on the commission and allows for the election of a Chairperson and Vice chairperson. CCB 18-0229, p. 3, lines 1-12.

The bill does not, however, provide for the methods, standards and criteria that will be used by the Commission in its funding decisions, nor should it, as the City Council, not the City electorate or an outside Commission, is granted full law-making power to legislate on the subject, within the limits of state and federal law. Md. Constit., Art. XI-A, § 3.

Fav of comments



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Therefore, the comprehensive system to administer the fund should be established by ordinance and the bill should be amended to authorize this.

Suggested language:

By ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Fair Elections Fund, including: 1) the qualifications of candidates eligible for the funding, 2) the methods and criteria for allocating available funds among eligible programs or recipients, and 3) the establishment of any other legislative or administrative rules, regulations or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it.

Provided that the amendment contained in this report or similar amendments are adopted, the Law Department can approve the resolution for form and legal sufficiency.

Sincerely,



Ashlea H. Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor
Avery Aisenstark

City of Baltimore

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

Meeting Minutes - Final

Judiciary and Legislative Investigations

Wednesday, June 20, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0229

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Edward Reisinger, Member Brandon M. Scott, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0229

Charter Amendment - Fair Election Fund

For the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Leon F. Pinkett, III, Brandon M. Scott, Zeke Cohen, Shannon Sneed, Mary Pat Clarke

A motion was made by Member Scott, seconded by Member Bullock, that this Mayor and City Council Res. be Recommended Favorably with Amendment. The motion carried by the following vote:

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

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, 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

Mayor and City Council Resolution: 18-0229

Charter Amendment - Fair Election Fund

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: June 20, 2018

Time: 5:15 PM to 6:10 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~55

Committee Members in Attendance:

Eric Costello	Mary Pat Clarke	Brandon Scott	
Leon Pinkett	Robert Stokes	John Bullock	Edward Reisinger

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 checked="" type="checkbox"/> yes	<input 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 checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Scott		
Seconded by:	Councilmember Bullock		
Final Vote:	Favorable as Amended		

Major Speakers

(This is not an attendance record.)

- Elena DiPietro, Department of Law
- Caroline Sturgis, Department of Finance



Major Issues Discussed

1. Chairman Costello opened the proceedings, introduced the committee members in attendance, and discussed preliminary issues for the hearing.
2. Councilman Burnett explained the proposed Charter Amendment and described the reasons for its development.
3. Chairman Costello read a letter of support submitted by Congressman Sarbanes.
4. The Finance Department read its report on the Charter Amendment and indicated its opposition because it will have a fiscal impact and limit flexibility in moving funds around within the budget. The Department noted that it is projecting a shortfall in revenue over the next 10 years, and that there are many other needs that the City will have to meet.
5. The Law Department indicated that it supported the Charter Amendment with changes described in its report.
6. Councilman Costello asked the Finance Department where the money for the fund will come from. The Department stated that since the Charter Amendment does not dedicate a particular revenue source, it would likely come from the general fund.
7. Councilman Costello discussed the language related to revenue sources in the Charter Amendment.
8. Councilman Dorsey asked to clarify that this Charter Amendment establishes the fund and that revenue would be assigned to it by ordinance. The Law Department indicated that that was correct.
9. Councilwoman Clarke asked whether that was stated in the Law Department's report. The Law Department indicated that it was not expressly stated in the report because the Law Department did not see any legal deficiencies related to that issue. Councilwoman Clarke asked the Law Department to confirm in writing (see Further Study).
10. Members of the public testified in support of the Charter Amendment, and noted increases in political campaign expenditures in recent Baltimore elections and the importance of leveling the playing field for grassroots candidates.
11. The committee considered and adopted amendments to the proposed Charter Amendment.

Further Study

Was further study requested?

☒ Yes ☐ No

If yes, describe.

The Law Department will provide a written explanation confirming that the bill provisions related to revenue sources are approved for form and legal sufficiency, and that the Mayor and City Council may dedicate revenue to the fund through ordinance as described in the bill (Due before 5:00 PM, Monday, 6/25/18).

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea

E. Reisinger: Yea
B. Scott: Yea
R. Stokes: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: June 20, 2018

cc: Bill File
OCS Chrono File



17

**AMENDMENTS TO COUNCIL BILL 18-0229
(1st Reader Copy)**

By: Councilmember Burnett

{To be offered to the Judiciary and Legislative Investigations Committee}

Amendment No. 1

On page 1, in line 6, after “ordinance;” insert “authorizing the Mayor and City Council to provide for the oversight, governance, and administration of the Fair Election Fund by ordinance”; and, on page 3, after line 27, insert:

“(E) IMPLEMENTATION.

**BY ORDINANCE, THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR THE
OVERSIGHT, GOVERNANCE, AND ADMINISTRATION OF THE FAIR ELECTION FUND,
INCLUDING:**

- (1) QUALIFICATIONS OF CANDIDATES ELIGIBLE FOR FUNDING FROM THE FUND;**
- (2) METHODS AND CRITERIA FOR ALLOCATING AVAILABLE FUNDS AMONG ELIGIBLE
PROGRAMS OR CANDIDATES; AND**
- (3) THE ESTABLISHMENT OF ANY OTHER LEGISLATIVE OR ADMINISTRATIVE RULES,
REGULATIONS, OR STANDARDS, CONSISTENT WITH THIS SECTION, GOVERNING
THE FUND, ITS OPERATIONS, AND PROGRAMS, SERVICES, AND CANDIDATES
FUNDED BY IT.”.**

Amendment No. 2

On page 2, in line 14, strike “2” and substitute “3”; and, on that same page, in line 15, strike “PRESIDENT OF THE CITY COUNCIL” and substitute “MAYOR”; and, in lines 17 and 18, strike “PRESIDENT OF THE CITY COUNCIL;” and substitute “MAYOR; AND”; and, in line 19, strike “2 ADDITIONAL” and substitute “5”; and, in line 20, strike “AND”; and, strike line 21 in its entirety; and, on page 3, in line 2, strike “VOTE” and substitute “THE PRESIDENT”.



CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations

Chairperson: Eric Costello

Date: June 20, 2018

Time: 5:00 PM

Place: Clarence "Du" Burns Chambers

Subject: Resolution - Charter Amendment - Fair Election Fund

CC Bill Number: 18-0229

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	John Doe Baltimore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
EMILY	SCARR	26	3121 St Paul St	21218	emilyemarybnpkgs.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lois	Hybl		4107 Westview Rd.	21218	LHYBL@VERIZON.NET	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Emily	Ranson	1120	N Charles St # 4115	21210	eranson@cleanwater.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jennifer	LINN		Every Voice 1211 Pennsylvania Ave	21203	Jennifer@everyvoice.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Damon	Edgingham		Common Cause MD (St. Catharine)	21401	DEEdgingham@commoncause.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Peter	WEEK		Represent Maryland	21211	peterjweek@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jocane	Antoine	121	Catadral St.	21401	jantoin@CommonCause.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Gusti	DENOWICZ		4329 HAFORD RD	21244	IN to CO Represent Maryland.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) 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. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations

Chairperson: Eric Costello

Date: June 20, 2018

Time: 5:00 PM

Place: Clarence "Du" Burns Chambers

Subject: Resolution - Charter Amendment - Fair Election Fund

CC Bill Number: 18-0229

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

[illegible]

(*) 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. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

JOHN P. SARBANES
3RD DISTRICT, MARYLAND

COMMITTEE ON
ENERGY AND COMMERCE

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Congress of the United States

House of Representatives

Washington, DC 20515-2003

www.sarbanes.house.gov

June 20, 2018

The Honorable Eric Costello
Committee on Judiciary & Legislative Investigations
100 N. Holliday Street
Baltimore, MD 21202

Chairman Eric Costello:

As the Baltimore City Council considers amending the Baltimore City Charter to create and study a Fair Election Fund (Council Bill 18-0229), I write to applaud your Committee's efforts and to offer my encouragement for a favorable reporting of the Bill.

The Fair Election Fund envisioned by 18-0229 presents Baltimore with an opportunity to join a growing national movement to reform our politics. In state and local governments across the nation, reformers are advancing innovative citizen-owned proposals to give everyday citizens, and the candidates they support, the tools and resources they need to run for and win elected office. In our own state of Maryland, reformers in both Montgomery County and Howard County have implemented such systems to give power back to regular citizens.

Now Baltimore has an opportunity to consider how such a system could work for its citizens. I commend the measured approach Council Bill 18-0229 has proposed, providing ample time and consideration to ensure that a reformed campaign finance system will be successful. With careful crafting, a new system can strengthen the voice of Baltimore residents and inspire broader engagement in our democratic process.

In America, the size of a person's wallet should not determine the power of his or her voice. Council Bill 18-0229 takes an important first step in codifying that fundamental democratic principle for the benefit of Baltimore's citizens.

Sincerely,


John Sarbanes
Member of Congress

cc: The Honorable Mary Pat Clarke, The Honorable John Bullock, The Honorable Leon Pinkett, The Honorable Ed Reisinger,
The Honorable Brandon Scott, The Honorable Robert Stokes, The Honorable Kristerfer Burnett, Mr. Matthew Peters

600 BALTIMORE AVENUE
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3901 NATIONAL DRIVE
SUITE 220
BURTONSVILLE, MD 20866
(301) 421-4078
FAX: (301) 421-4079

June 20, 2018

Molly Amster, Baltimore Director
2221 Maryland Avenue, 2nd Floor, Baltimore, MD 21218
molly@jufj.org / 301-529-3875



TESTIMONY IN SUPPORT OF 18-0229
"Charter Amendment - Fair Election Fund"

TO: Hon. Eric Costello, Chair, and members of the Judiciary and Legislative Investigations Committee

FROM: Molly Amster on behalf of Jews United for Justice (JUFJ)

I submit this testimony as Baltimore Director of Jews United for Justice, a volunteer-driven organization that represents more than 1,100 people in Baltimore's Jewish community who are fighting for social and economic justice in the the Baltimore area and across the state of Maryland. The work of Jews United for Justice is founded on the Jewish concept of *tikkun olam*, repairing the world, which teaches us that we have a responsibility to stand up for the principles of justice, fairness, and dignity, both within and outside of our community.

We are a part of the Baltimore Fair Elections coalition in support of Council Bill 18-0229, a charter amendment for the establishment of a fair election fund. **We are committed to pursuing campaign finance reform in Baltimore that will align our government with our values and restore a balanced democracy to our city in which citizens' voices are valued and respected.**

Maya Weinstein, a law student and 2016-2017 Eisendrath Legislative Assistant at the Religious Action Center of Reform Judaism reminds us that **"The voices of those who are most oppressed and vulnerable are the voices that most need to be elevated in the halls of power. Unfortunately, with the outsized influence of money, those voices are not heard as clearly."**¹ We need campaign finance reform.

She goes on to remind us that "...we must heed the teachings of our tradition that speak to the dangers of mixing money and politics and recognize the distorting effect that money can have on a leader's ability to govern fairly... **Deuteronomy 16:19 [states] 'You shall not judge unfairly: you shall know no partiality; you shall not take gifts, for gifts blind the eyes of the discerning and upset the plea of the just.'**" Our current system gives those with money access to disproportionate power. Effectively, we condemn those we are commanded to protect - the widow, the orphan, the poor, and the stranger - to further suffering, as they are ignored by those elected to address their issues.

JUFJ urges a favorable report on 18-0229 so Baltimore can take an important step toward putting the power back in the hands of the people.

¹ Maya Weinstein, <https://rac.org/blog/2016/12/12/all-voices-heard-campaign-finance-reform>

**Testimony of Charly Carter in Support of Bill #18-0229
Charter Amendment for the Fair Elections Fund
June 20, 2018**

I would like to thank the members of the Judiciary and Legislative Investigations Committee for the opportunity to submit this testimony for the record.

My name is Charly Carter and I'm a resident of Baltimore City's 7th District. I am also the founder of Step Up Maryland, former Executive Director of Maryland Working Families and creator of the Maryland progressive leadership pipeline. For more than a decade, I have worked in Baltimore communities to educate and engage voters in the legislative process. During the last four years, I have recruited and trained dozens of grassroots leaders from across the state to run for public office.

It may come as no surprise that **voters across the city have become increasingly frustrated with our government and what they see as a rigged system**, where the people with money dictate the outcomes of policy decisions and elections. Grassroots candidates, when not deterred by the challenge of raising skyrocketing campaign budgets from the limited pocketbooks of their neighbors, are too often swamped by candidates with access to big donors.

The Charter Amendment for the Fair Elections Fund, as proposed by Bill #18-0229, could **balance the influence of big donors** by encouraging candidates to focus on raising small contributions from the community, instead of high-dollar and corporate contributions. In the 28 states and localities that have implemented public financing, outcomes suggest that public financing options, like those that the Fair Elections Fund would support, not only reduce the influence of a donor class but can also spark grassroots participation. Voters are more engaged because candidates from their communities are running for office; more grassroots leaders run, because the cost of running a campaign becomes more accessible with public financing.

In the last presidential election, just 62 percent of Baltimore City voters went to the polls, the lowest in the state. **In the 2014 mid-term elections only 1 in 3 eligible Baltimoreans cast ballots.**¹ A study by Pew Research Center confirms the connection between the frustration expressed by city residents and the low participation in elections. More than 40 percent of nonvoters cite feeling their vote didn't make a difference; candidates failing to address their issues, or a general dissatisfaction with the field of candidates as reasons they stayed home.²

¹ Baltimore City Board of Elections – past results (visited June 2018)

² Gustavo Lopez & Antonio Flores, Pew Research Center analysis of Current Population Survey, 2000-2016, (June 2017)

According to a series of reports published by Demos, a national policy research organization, **the influence of money is, in fact, squeezing the average citizen out of the democratic process.** Demos found that public policies across the country are skewed towards top donors' preferences, placing the priorities of communities of color and working families at the bottom.³

Furthermore, evidence suggests **the outsized influence of big money also hold back the policies that could advance racial equity and fulfill the promise of a multiracial democracy.** It finds that a campaign system dominated by a narrow set of donors who are overwhelmingly (at least 90 percent) white diminishes the importance of communities of color to our elected officials.⁴

Public financing of elections can **transform our city and renew the once vibrant civic and community engagement that once brought us legendary leaders.** For these reasons, **I urge you to vote in favor of Council Bill #18-0229.**

³ David Callahan & J. Mijin Cha, Stacked Deck: How the Dominance of Politics by the Affluent & Business Undermines Economic Mobility in America, DEMOS (February 2013)

⁴Adam Lioz, Stacked Deck: How the Racial Bias in Our Big Money Political System Undermines Our Democracy and Our Economy, DEMOS (December 2014).

TESTIMONY TO: Judiciary and Legislative Investigations Committee

Bill #18-0229- Charter Amendment - Fair Election Fund

POSITION: Support

BY: Tyler Alston, Resident D4

DATE: June 20, 2018

I support a charter amendment for publicly financed elections because it may be the only way for my views to be represented. As someone whose values are independent of the two major parties, it isn't often that I get to vote for candidates or policies that support my point of view. And when those candidates do come along, the odds are unfairly stacked against them.

The candidates that I support, even ballot-qualified ones, are regularly and deliberately kept out of public debates (in Baltimore and nationally) their opinions are regularly censored from the general public, hampering their capacity to fundraise.

Democracy requires a well informed public and candidates need a baseline of funds in order to do that - particularly independent and third party candidates that are unfairly barred from public debate. Please implement public financing in Baltimore, so that we can move closer to a fair, representative democracy.

Sincerely,

Ty Alston

District 4

Represent Maryland Supporter

TESTIMONY TO: Judiciary and Legislative Investigations Committee

Bill #18-0229- Charter Amendment - Fair Election Fund

POSITION: Support

BY: Christopher Ervin, Resident D5

DATE: June 20, 2018

The history of democracy has incorporated within it, intentional marginalization by policy but also the notion of repaid debts. For a society to truly be progressive, it should be constantly and consistently finding new and better ways to include more voices and not fewer. With more voices included, our candidates would be better to focus less on fundraising and more on voter outreach.

That is why I support the creation of a Public Election Fund for Baltimore City. Please vote in favor of Bill #18-0229

Sincerely,

Christopher Ervin

The Lazarus Rite

District 5

TESTIMONY TO: Judiciary and Legislative Investigations Committee

Bill #18-0229- Charter Amendment - Fair Election Fund

POSITION: Support

BY: Lisa Magil, Resident D3

DATE: June 20, 2018

My name is Lisa, and I am a Baltimore City homeowner, resident, and active citizen. I want to first thank you in advance for taking the time to read my thoughts on this issue. It is no secret that our city has been plagued by several major issues and dysfunction for some time now, and the solutions, like the problems, are sure to be complex and multi-faceted. As an active citizen and attorney, I have spent quite a bit of time and energy considering not only how we got here, but perhaps more importantly, how I can help. Given my specific skillset, innate sense of justice, and indoctrinated code of ethics, for some time I seriously considered whether I could best be of service by holding office myself. I started to delve into what it would take to do so successfully. But the more I researched, the more I heard and saw the same- the political machine runs on money. It takes money to run, and a lot of it to run successfully. Sure, you need charisma and good policy and good turnout too, but no one wins an election without funding.

This brings me to why I'm writing this testimony to you today- to voice my support for the Fair Election Fund Charter Amendment. As I began to understand the implications of the above, it dawned on me that one of the best ways to more democratize our elections was to balance out that funding issue. The Fair Election Fund would do much to accomplish this, as it will serve to place candidates on a more equal footing with each other. This is good for voters because it will open the field up to folks like me and other activists who are full of passion and great ideas to compete with some of more long standing and conventionally funded candidates. Competition between well qualified and evenly funded candidates allows voters and candidates to focus more on the actual issues and policies that affect voters in our daily lives. It will help to mitigate advantages that may inure unfairly to an incumbent who uses the privilege and position of their incumbency during a campaign. This Amendment would reduce the amount of time incumbents spend raising funds, when their time and efforts are more properly spent listening to and addressing constituent concerns, researching bills, and voting wisely.

In short, the Fair Election Fund Charter Amendment would not only more democratize our elections, it would increase access to the process itself, and foster competition in candidates who are focused on the issues and their constituents, instead of on fund raising and corporate donors. Thank you again, Councilman Burnett- for introducing the bill, and to the Committee Cosponsors for supporting the bill- Clarke, Scott, Bullock, Pinkett, and to you all for your time and consideration. I hope you will all vote in favor of the Charter Amendment for the Fair Elections Fund (Council Bill 18-0229)

Sincerely,

Lisa Magil, Esq.

District 3

Represent Maryland Member

TESTIMONY TO: Judiciary and Legislative Investigations Committee

Bill #18-0229- Charter Amendment - Fair Election Fund

POSITION: Support

BY: Peter Weck, Resident D14

DATE: June 20, 2018

Dear Chairman Costello and members of the Judiciary and Legislative Investigations Committee

I am a Baltimore City resident in district 14, currently working toward a PhD at Johns Hopkins University. I am writing to thank Councilman Burnett for introducing bill #18-0229 and councilpersons Clarke, Scott, Bullock, and Pinkett for their support. Furthermore, I am writing to urge committee members to vote in favor of this Charter Amendment for the Fair Elections fund.

The charter amendment establishes the Fair Elections Fund to reward eligible city candidates who finance their campaigns with small individual donations. It also creates an independent commission to identify sources of revenue for this fund. If the amendment is passed by City Council, it will then need to be authorized by Baltimore voters at the ballot box in November.

Seeing a public election fund created in Baltimore city is important to me because it would improve the way campaigns are run and raise the voices of regular voters across the city. Relying on many matched small donations from individuals rather than fewer large donations from interest groups incentivizes candidates to engage more directly with voters. For voters, especially working-class voters, the fund would mean that any small donations they make are more meaningful. People are more likely to engage in the political process if they can trust that their issues are being taken to heart.

Thank you for your time. Once again I urge you to vote for Council Bill 18-0229.

Respectfully,

Peter Weck
District 14
JHU Student
Represent Maryland Member

Represent Maryland

Maryland's Only PAC for the people.

TESTIMONY TO: Judiciary and Legislative Investigations Committee

Bill #18-0229- Charter Amendment - Fair Election Fund

POSITION: Support

BY: Cristi Demnowicz, Represent Maryland Chair

DATE: June 20, 2018

Maintaining true democratic representation in a city as dynamic as Baltimore requires two things: fair and equal access to voting and the possibility for a variety of people to successfully win an elected lawmaking position.

Over the past 100+ years many different groups of people have fought for and won the right to vote for the lawmakers who they believe best represent them, but the pool of candidates has remained quite homogenous and many voters feel that none of the options presented to them at the general election truly represent their interests. The type of candidates who consistently win spots on the general election ballot is not widely varied or diverse, even though the voting population is. Feeling unrepresented by candidate choices is a big part of why many people do not vote. The truth is, candidate diversity has not kept up with our changing society or increasing voter rolls.

There are hundreds of Baltimoreans who would be excellent lawmakers. People who have their thumb on the pulse of what their community needs in order to thrive; people who have creative solutions to systemic problems; people who could re-engage many disenfranchised voters; people with a variety of experiences and life stories. But most of those people do not have access to the money it takes to win an election. And even if some could gain access, they'd most likely be expected to leave their innovative ideas behind in order to accommodate their benefactors' expectations.

Our current campaign funding arrangement in which moneyed interests fund campaigns, making their interests come first, has been in place for far too long and is not working for most voters. Nor is it working for many lawmakers who feel they have no power to change the system. But, as an elected official, you DO have the power to change it. By looking to the past, you'll see how far we've come as a society; *now* it's time to look to the *future* and enact this piece of trailblazing legislation that will protect the interests of ALL those in Baltimore, regardless of their ability to make a large campaign donation, including yourself.

In order for the interests of ALL voters to be equally represented in perpetuity, our current tradition must change to allow more access. Creating a public election fund is the way to change it. Please vote in favor of bill # 18-0229 and set Baltimore on a path of protecting democracy for ALL current & future residents.

Sincerely,

Cristi Demnowicz

Represent Maryland Chair

Resident of District 3



EVERYVOICE.ORG
INFO@EVERYVOICE.ORG
@EVERYVOICE

1211 CONNECTICUT AVENUE, NW SUITE 600
WASHINGTON, DC 20036
(202) 640-5600

**Testimony of Tam Doan
Research and Policy Director, Every Voice
Judiciary and Legislative Investigations Committee
Hearing on Bill #18-0229
June 20, 2018**

Thank you to the Committee for the opportunity to submit testimony, and thank you Councilman Burnett and Committee co-sponsors for your leadership on this bill. My name is Tam Doan, and I am the research and policy director at Every Voice, a national organization dedicated to creating a democracy that works for everyone—not just big donors—by designing, passing, and supporting successful implementation of small-donor driven election reform.

Every Voice has reviewed Baltimore's proposed Charter Amendment to create a non-lapsing fund for a small-donor program and is testifying in favor of both the general concept of small-donor public financing and the specific Charter Amendment before you. We urge Committee members to vote in favor of the Charter Amendment for the Fair Election Fund (Council Bill 18-0229).

Small-donor public financing is a well-established and proven method of reducing the influence of big money and giving everyday constituents a bigger voice in our elections. More than thirty states and localities have some form of small-donor public financing, and more jurisdictions are joining their ranks each year. Recently small-donor programs have been established in nearby Montgomery County, Howard County, and Washington, D.C. Well-designed programs that encourage diverse candidate participation and increase reliance on everyday residents to fund campaigns have coincided with important progress toward more responsive government, including the passage of laws that better address social and economic concerns broadly—not just the interests of the wealthy and well-connected.

In my testimony today, I focus on two ways small-donor public financing can promote political equity, through reducing the barriers for qualified candidates of all stripes to run and win office and by expanding resident engagement and importance in the elections process.

Small-Donor Public Financing Promotes Political Equity

As you know, fundraising is part and parcel to running a successful campaign for elected office in America, and with the ever-rising cost of campaigns at every level of government, candidates have little choice but to spend valuable campaign time talking to wealthy donors instead of getting to know a more representative group of the constituents they wish to serve. Candidates without wealthy connections—predominantly women, people of color, and younger people—often lack opportunities to run successful campaigns. Research and experience from well-utilized small-donor public financing programs highlight important ways these programs promote the one-person-one-vote ideal of an inclusive, participatory, and equitable democracy in which candidates have the freedom to spend more time with the constituents they wish to serve, and a more diverse set of candidates are able to run for elected office.

Small-Donor Public Financing Contributes to More Reflective Government

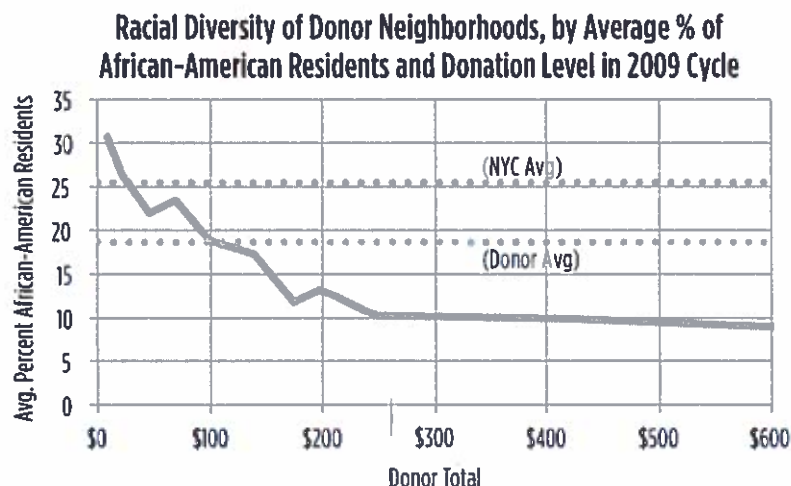
For programs around the country, researchers have noted increases in the participation and electoral success of women and candidates of color:

- In their 2010 evaluation of the long-standing New York City matching program, the Brennan Center highlighted that the 2009 elections, when implementation of the higher 6-to-1 match began, resulted in the first "majority minority" council.¹ In addition to notable "firsts" from that cycle, the 2013 elections resulted in the first African-American woman winning citywide office—Tish James credits the matching program with her ability to win.
- In a 2013 study of Connecticut's Citizens' Election Program, Demos reported that since program adoption, the representation of women and Latinos has increased. Demos notes that Latino representation in the Connecticut legislature reached its greatest level in 2012, with the election of the state's first two Latino state senators and 10 recently elected state representatives, resulting in a 33 percent increase in Latino state legislators from 2010.²
- A Maine Ethics Commission study from 2007 found a significant increase in women candidates running after the enactment of Clean Elections, and women were more interested in the program than men. In their survey of both experienced and new candidates, a higher share of women than men said public financing was a "very" important factor in their decision to run (71 percent of women, compared to 53 percent of male respondents).³

Small-Donor Public Financing Increases and Diversifies Donor Participation

Studies show that large donors are more white, male, and affluent than the population generally, and this disparity can emerge at a low contribution level. The graph below shows racial diversity across New York City donor levels, from an analysis Every Voice performed with 2009 cycle data. Below \$25, donors come from neighborhoods that are more diverse than the city average. Around the \$25 donation level, donors come from neighborhoods that are about as diverse as the city overall. Above \$25, racial diversity drops off and flatlines around \$250. This indicates how encouraging contributions at the lowest levels (such as \$25) can translate into more diverse donor participation.

Small-donor public financing programs can shift who candidates raise money from, who they talk to, and whose concerns they hear. Small donors become more important to candidates, and small donors better reflect overall demographics.



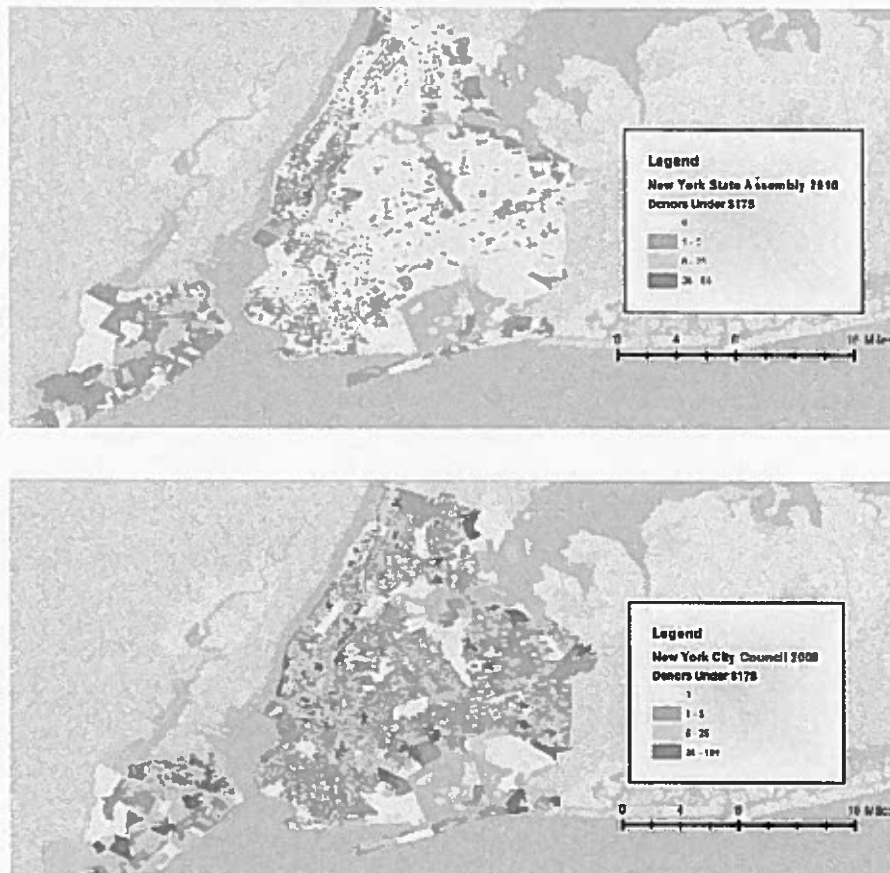
¹"Small Donors Matching Funds: The NYC Election Experience," Brennan Center for Justice, <https://www.brennancenter.org/publication/small-donor-matching-funds-nyc-election-experience>

²"Fresh Start: The Impact of Public Campaign Financing in Connecticut," Demos, www.demos.org/sites/default/files/publications/FreshStart_PublicFinancingCT_0.pdf

³"2007 Study Report: Has Public Financing Improved Maine Elections?," Maine Commission on Government Ethics and Election Practices, https://www.mainecelelections.org/sites/default/files/research/2007_study_report.pdf

One of the most compelling visualizations of this compares New York City donors to State Assembly candidates, who do not have a public financing option, with donors to City Council candidates, who *can* choose the matching program. In the first map below, the number of neighborhoods with small donors to State Assembly candidates is sparse. In the second map, with matching, nearly every neighborhood shows up with small donors giving to city level candidates. This study by the Brennan Center and Campaign Finance Institute also looked at neighborhoods with high minority populations and found similar trends. For example, in and around Bedford-Stuyvesant, twenty-four times as many small donors gave to City Council candidates than to State Assembly candidates.

DONORS WHO GAVE \$1-175 TO CANDIDATES FOR THE NEW YORK STATE ASSEMBLY (2010) AND CITY COUNCIL (2009) BY CENSUS BLOCK GROUP



Source: Brennan Center for Justice and Campaign Finance Institute, "Donor Diversity Through Public Matching Funds"

While much of the data above comes from New York City, we've seen small-donor programs change the demographics of resident participation around the country. Our "All Over the Map" study of Arizona from 2008 showed Clean Elections candidates relied more on racially and economically diverse donors, compared to privately funded candidates. In our 2017 report with Win/Win Network, we found Seattle's Democracy Vouchers program increased resident engagement across the city in its first outing, particularly among younger donors. Another Seattle study, by Professors Brian McCabe and Jennifer Heerwig, found residents who used their vouchers were more likely to vote in 2017, even if they had not been frequent voters in recent elections.

Around the country, Americans are mobilizing to change political systems that too often fail them. With your support, Baltimore could be at the forefront of a renewed and equitable democracy. Thank you for your time, and again we urge Committee support for this bill. I am happy to answer any questions you may have and can be reached at tam@everyvoice.org.

TESTIMONY ON CB 18-0229 – FAIR ELECTION FUND

Common Cause Maryland supports CB 18-0229, which would amend Baltimore City's charter to allow for the creation of a Fair Election Fund.

Fair Election Funds are important tools that lift the voices of regular Marylanders in the light of ever-increasing influence of wealthy interests on our politics. These programs work by incentivizing candidates to participate in a new system of fundraising, where large contributions and contributions from corporations and PACs are sworn off, while small-dollar donations from regular Baltimoreans are amplified so that even the smallest donation can have a huge impact. In order to qualify, candidates must receive a threshold amount of contributions from a threshold number of contributors. This process ensures that only candidates with viable community support can gain access to the public funding program, thus protecting public money.

Montgomery County is currently using their Fair Elections fund for the first election cycle – and results so far have been incredibly heartening. Incumbents and first-time candidates from a diverse array of backgrounds are using the program to run for office, raising money by meeting with constituents instead of reaching out to a cadre of wealthy individuals, corporations, and political PACs. A preliminary joint report by Maryland PIRG and Common Cause Maryland found that initial indicators for the program are good, with publicly funded candidates greatly increasing the prevalence of small dollar giving, raising 12 times the small dollar funds of their non-participating rivals¹.

Ultimately, Fair Elections programs increase participation on both sides of the campaign – voters donate because they know that even a little bit can go a long way, and this donation is an investment that more tightly connects them to the campaign, raising interest. Candidates, freed from having to dial-for-dollars with wealthy donors, spend more time among their constituents, getting a clearer picture of the problems facing regular Marylanders instead of just the wealthy few.

One of the most important aspects of Fair Elections programs is that, particularly when campaigns are getting vastly more expensive each cycle, they allow regular people to run on the power of their ideas instead of having to rely on wealthy interests. This is especially important in Baltimore, where the median income is around \$39,000, but where the average cost of a City Council race has risen by over 50%². According to our analysis, this increase is partially due to an increase in the number and size of LLC donations to candidates.

A Fair Elections program in Baltimore would allow Baltimoreans with lower incomes a way to participate and have an impact on their elections that they are currently shut out from. Additionally, it would further incentivize candidates to reach out to the residents, as their small contributions could be matched for larger contributions, giving Baltimore's more marginalized residents a greater voice in the direction of the city.

To be clear: CB 18-0229 does not put a Fair Elections program into place. Baltimore City's charter, like Howard County's before it, requires an amendment to allow for a separate fund from the general fund to create the program. This is necessary because candidates need to know that there is funding available to participate in a Fair Elections program and plan their campaigns around participation. Without a separate fund, candidates

¹ <https://marylandpirg.org/reports/mdp/fair-elections-montgomery-county>

² <https://www.commoncause.org/maryland/press-release/running-for-baltimore/>

cannot do this. CB 18-0229 would not create a Fair Elections program, it would amend the City charter to allow for this separate fund. Advocates, residents, and legislators would then work together to create a Fair Elections program that works for the city of Baltimore.

Common Cause Maryland supports CB 18-0229 because it would lay the foundation for the creation of a Fair Elections program that could greatly enhance the voices of Baltimoreans. We ask that you vote favorably on the legislation.



Testimony of Emmanuel Caicedo
Associate Director of Campaigns, Demos
Before the Judiciary and Legislative Investigations Committee, Baltimore City Council
Monday June 18, 2018

My name is Emmanuel Caicedo I am the Associate Director of Campaigns at Demos, a national public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy.

I would like to thank the members of the Judiciary and Legislative Investigations Committee for the opportunity to submit this testimony for the record. I am delighted to testify today in favor of Council Bill 18-0229, legislation introduced by Council Members Burnett, Clarke, Scott, Bullock and Pinkett. Bill 18-0229, the Charter Amendment for the Fair Elections Fund, which establishes the Fair Elections Fund and an independent commission to identify sources of revenue for the fund. If passed by the Baltimore City Council, the Charter Amendment will need to be authorized by Baltimore voters on November's ballot and put Baltimore on the path of creating a program for publicly financing local elections.

As the Members of City Council are well aware, big money has long played an outsized role in American politics. In federal, state, and local elections across the country large donors determine who is able to run for office, who wins elections, and what issues get attention from elected officials.¹

This is not inevitable, but rather the result of a combination of legislative inaction in many places and a challenging legal-constitutional landscape. Four decades of flawed Supreme Court rulings have gutted a series of common-sense protections against big money, leaving lawmakers with few tools with which to combat the problem.²

The result is that the deck is stacked, as Demos has shown in a series of reports with that name.³ Our public policies are skewed towards top donors' preferences, and away from working families and people of color as a whole.

This combination of disparate preferences and differential responsiveness creates a vicious cycle: the wealthy translate their economic might into political power; this allows them to write

¹ Adam Lioz, *Breaking the Vicious Cycle: Rescuing Our Democracy and Our Economy By Transforming the Supreme Court's Flawed Approach to Money in Politics*, DEMOS (2015), <http://www.demos.org/publication/breaking-vicious-cycle-rescuing-our-democracy-and-our-economy-transforming-supreme-court>.

² *Id.*

³ David Callahan & J. Mijin Cha, *Stacked Deck: How the Dominance of Politics by the Affluent & Business Undermines Economic Mobility in America*, DEMOS (February 2013); Adam Lioz, *Stacked Deck: How the Racial Bias in Our Big Money Political System Undermines Our Democracy and Our Economy*, DEMOS (December 2014).

**Testimony of Emmanuel Caicedo
Associate Director of Campaigns, Demos
Before the Judiciary and Legislative Investigations Committee, Baltimore City Council
Monday June 18, 2018**

rules for our economy that keep them on top while working families struggle to stay afloat; which in turn allows the wealthiest few to pump even more money into politics each year. Each turn of this vicious cycle takes our democracy ever farther from the vision of political equality embodied in the principle of one person, one vote.

At this time, given the national political reality, it's more important than ever to safeguard the fundamentals of our democracy at the city and state levels.

Cities, counties, and states around the country have combatted the problem of money in politics with innovative campaign finance reforms that provide public funding to qualified candidates. Today there are close to 30 active programs in states, counties, and cities across the country that provide public funds to candidates for political office.⁴

We believe the city of Baltimore could add to the growing national momentum for overhauling our broken campaign finance system to create a democracy that works for all of us—and your leadership will be critical.

Public campaign funding programs have been successful in diversifying the donor base of candidates in terms of class and race. In some places, these programs have also succeeded in diversifying the gender, racial, and class makeup of candidate pools.

We urge you to vote in favor of the Charter Amendment for the Fair Elections Fund (Council Bill 18-0229).

⁴ <http://www.demos.org/publication/public-funding-electoral-campaigns-how-27-states-counties-and-municipalities-empower-sma>



Bill: Charter Amendment for the Fair Election Fund (Council Bill 18-0229)
Committee: Judiciary and Legislative Investigations Committee
Position: SUPPORT
Date: June 15, 2018

Dear Chairman Costello and Members of the Committee,

My name is Taylor Smith-Hams and I'm a Baltimore City resident and the Healthy Communities Campaign Organizer for CCAN Action Fund. CCAN Action Fund strives toward a healthy environment and sustainable future in Baltimore City and across Maryland. To achieve this future, we must also have a healthy democracy. We support the Charter Amendment for the Fair Election Fund.

If the Baltimore City Council passes this bill, then Baltimore City voters will have the opportunity to vote for the Charter Amendment in the November election. The Charter Amendment will establish a Fair Election Fund as well as an independent commission to identify revenue sources for the Fund.

A Fair Election Fund is an investment in our local democracy. It will amplify the voices of city residents over wealthy special interests, encourage candidates to reach out to everyday constituents instead of a handful of deep-pocketed donors, and it will engage more Baltimoreans in the political process.

Campaign contributions play a significant role in elections and in determining which issues receive attention once an elected official takes office. Our government is most effective when it is reflective of the people it serves, and that starts with who makes campaign donations. A Fair Election Fund will transform our local political system and ensure that campaign contributions reflect what the average Baltimorean can afford to give. A Fair Election Fund will also remove significant financial barriers to running for office and reward candidates who organize at the grassroots level and meaningfully engage with their constituents.

This small donor matching system is being embraced elsewhere, including next door in Montgomery County, Howard County, and Washington D.C. A Fair Election Fund will create a healthier democracy, leading to a more just, sustainable future in our city. We urge a favorable report for Council Bill 18-0229 so that city voters can have the opportunity to adopt or reject the Fund in November.

Respectfully,

A handwritten signature in blue ink that reads "Taylor Smith-Hams".

Taylor Smith-Hams
Healthy Communities Campaign Organizer
CCAN Action Fund



Emily Scarr, Maryland PIRG Director
Council Bill 18-0229 Charter Amendment – Fair Elections Fund
Position: Support
Wednesday, June 20, 2018
Judiciary and Legislative Investigations 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 18-0229 an amendment to the City Charter to establish the Fair Elections Fund and Commission.

Thank you, Chairman Costello for holding this hearing, Councilman Burnett for introducing this bill, the 8 co-sponsors for supporting it, and Mayor Pugh for supporting the 2013 state law to enable Baltimore to pursue local public financing of elections.

Passing Council Bill 18-0229 will start a conversation with the City Council and your constituents and is an important first step towards bringing a Fair Elections program home to Baltimore. A Fair Elections program will be better for candidates and elected officials, better for the public, and better for Baltimore.

We believe Baltimore elections should be funded by city residents and contributions should be limited to what the average Baltimorean can afford to make. This will help ensure that all people have more or less equal opportunity to influence city elections regardless of race, gender, age, or income.

A Fair Elections program for Baltimore would be a voluntary program which enables candidates to run for office with these principles while 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.

If you put the Fair Elections Fund on November's ballot, Baltimore voters will have a chance to weigh in to support or oppose the fund. We should give them that opportunity.

For most, the 1st question is, "What will this cost the city, and how will we pay for it?" Maryland PIRG preliminarily estimates the cost at \$1.5 - \$2 million per year if the model remains similar to that in existing jurisdictions. We pay for voting booths and poll workers, and it's time to make this investment to ensure our elections are funded by the people of Baltimore, not large donors and corporations. The charter amendment creates an independent Commission to look at funding mechanisms for the Fair Elections Fund and administer the Fund. We hope they will consider funding for the program from a number of possible sources, including lobby fees and fines, voluntary check offs on tax and water bills, as well as general funds.

BACKGROUND: Recent decisions from the Supreme Court, like *Citizens United* and *McCutcheon*, 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.

Local offices are not exempt from these issues – in fact, we expect the removal of restrictions on aggregate contributions limits to lead to increased spending by mega donors on local elections. Our research has found that this decision will ultimately cause \$1 billion in increased spending through the 2020 elections from less than 3,000 mega donors.ⁱ

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.ⁱⁱ

- 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.ⁱⁱⁱ

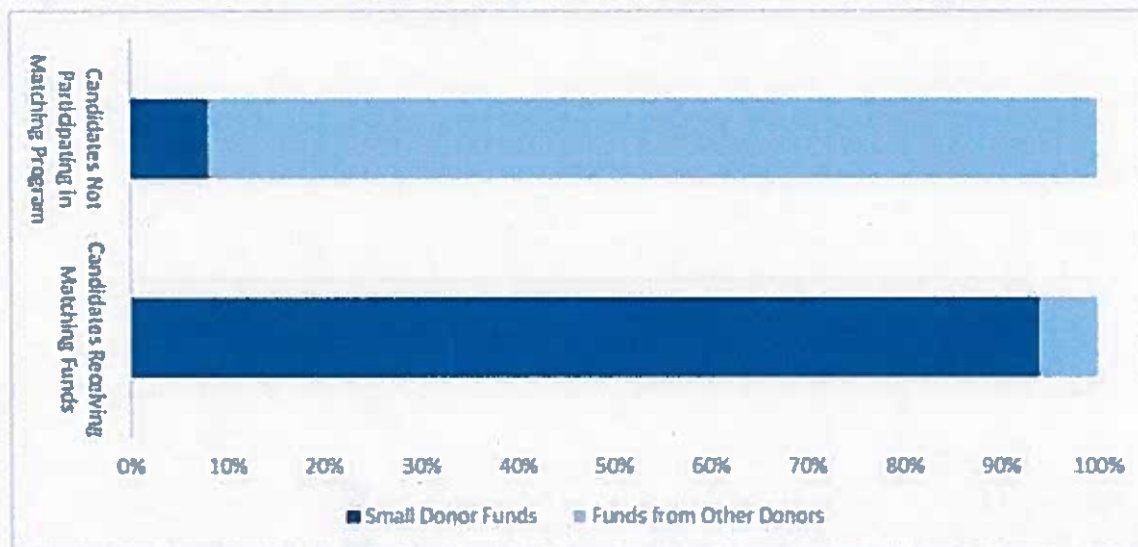
WHAT YOU CAN DO: Small donor public financing enables candidates to run a competitive race without relying on large or corporate donors. In 2013, the Maryland General Assembly passed a law enabling local governments to establish this new way to fund elections. Montgomery County passed their program in 2014 and Howard County passed theirs in 2017, after amending their charter like you are considering doing today. Similar programs have proved effective in Connecticut and New York City, where more than 90% of candidates frequently participate in the program.^{iv}

Montgomery County's program is off to a strong start. As of January:

- Candidates who had qualified received nearly twice as many donations from Montgomery County residents than those not participating.

- Those not participating received 8% of their donations from people giving less than \$150, while those participating received more than 90% of their donations from people giving less than \$150.

Figure 2. The percentage of candidates' fundraised dollars (excluding matching funds) that came from small donor contributions among candidates receiving matching funds and non-participating candidates.



We suggest that once you past the charter amendment you create a program that is modelled after the success of similar programs in the state and country, with adjustments to meet Baltimore's demographic needs and build on existing programs. Our recommendations include:

1. Participating candidates have to reject all large and corporate contributions and only accept small contributions to their campaign. They must also reach qualifying requirements for dollars raised and donors engaged.
2. Once they qualify, they will receive limited matching funds for the small contributions from Baltimore residents, with the smallest donations receiving the highest match. This encourages candidates to focus their campaigns on city residents of all income levels and enables them to remain competitive with candidates not participating in the program.

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. 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.

Thank you for your time and service to our community.

¹ McCutcheon Money, U.S. PIRG and Demos, October, 2013, <http://uspirg.org/reports/usp/mccutcheon-could-add-over-1-billion-contributions-next-four-elections>

² 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

³ Analyzing the 2016 Baltimore City Elections: What the Candidates Spent and Where It Came From, Common Cause Maryland, August t2017, <https://www.commoncause.org/wp-content/uploads/legacy/states/maryland/research-and-reports/analyzing-the-2016-baltimore.pdf>

^{iv} States, Counties, and Municipalities Empower Small Donors and Curb the Power of Big Money in Politics, Dems, June 28, 2017, <http://www.demos.org/publication/public-funding-electoral-campaigns-how-27-states-counties-and-municipalities-empower-small-donors-and-curb-the-power-of-big-money-in-politics>



**MARYLAND LEAGUE
OF CONSERVATION VOTERS**

Board of Directors

Ed Hatcher, *Chair*

Manis St. Cyr, *Vice Chair*

Bob Gallagher, *Secretary*

Mike Davis, *Treasurer*

Jennifer Bevan-Dangel

The Hon. Virginia Clagett

Bob Fleshner

Verna Harrison

Melanie Hartwig-Davis

Patrice Stanley

Kitty Thomas

Karla Raettig
Executive Director

30C West Street
Annapolis, MD 21401
www.mdcv.org

Testimony in support of Bill #18-0229

June 20, 2018

Dear Chairman Costello and members of the Committee:

Maryland League of Conservation Voters strongly supports the legislation before the Judiciary and Legislative Investigations Committee, in favor of the Charter Amendment for the Fair Elections Fund. We applaud Councilman Burnett for introducing this legislation, and Councilmembers Clarke, Scott, Bullock and Pinkett for their support. If passed by the council – and then authorized by voters on the November ballot – Baltimore City would join Montgomery and Howard Counties in establishing this important program of public financing for local elections.

As has been demonstrated wherever public financing programs have been established – New York City, Connecticut and Washington DC, in addition to the Maryland counties – public financing of elections opens up political opportunities to a broader range of diverse candidates, and returns power to small-dollar donors from the communities that the candidate would represent. Qualifying thresholds ensure that only candidates who are serious about competing will qualify for the funds, making it a smart and strategic use of funds.

Candidates that are connected to their communities make better legislators, and pass legislation that better serve the needs of their constituents. Maryland League of Conservation Voters strongly supports this program and urges your favorable report on Bill #18-0229.

Respectfully,

Karla Raettig
Executive Director
Maryland League of Conservation Voters

Chairman Eric T. Costello
Judiciary and Legislative Investigations Committee
100 Holliday Street
Suite 500
Baltimore, Maryland 21202

June 20, 2018

Chairman Costello:

I am Mitch Jones, a resident of Baltimore City, submitting this testimony in support of Bill #18-0229 on behalf Food & Water Watch and our 14,000 members and supporters in Baltimore City.

I want to thank the Committee for this opportunity to testify in support of this Charter Amendment and to thank Councilman Burnett for introducing it, and Councilmembers Clarke, Scott Bullock, and Pinkett for cosponsoring it.

As you know, this Charter Amendment establishes the Fair Elections Fund and an independent commission to identify sources of revenue for the fund. The Fund would provide matching public funds for money individual donors contribute to candidates. Similar programs have been successfully employed in New York City and Connecticut and recently Montgomery County and Howard County have established public funding programs.

We at Food & Water Watch support the creation of the Fair Elections Fund because it will serve to help restore our democratic elections process which now too often tips in favor of wealthy donors and outside spending groups. For example, in the most recent mayoral election all candidates spent around \$9 million – roughly three times larger than previous average.

Public financing through small donor matching will fundamentally change the way elections are run in Baltimore. Instead of pursuing high dollar donors through epic call-a-thons from their consultants' offices, candidates will be free to pursue smaller events spending more time with prospective constituents. We believe that public matching will allow a broader range of candidates to run and to run campaigns closer to the voters.

A well-functioning democracy is vital to the health of our city. We urge you to pass Bill #18-0229 to ensure that campaign donations reflect the diversity of Baltimore City residents.

Thank you,


Mitch Jones
Senior Policy Advocate



**33 University Boulevard East
Silver Spring, MD 20901**

www.progressivemaryland.org

 contact@progressivemaryland.org

 facebook.com/progressivemaryland

 [@Progressive_MD](https://twitter.com/Progressive_MD)

**Testimony in Support of Bill #18-0229:
Charter Amendment -- Fair Election Fund**

TO: Councilmember Costello, Chair, and members of the Judiciary and Legislative Investigations Committee
FROM: Jennifer Dwyer, Policy and Legislative Director
DATE: June 20th, 2018
POSITION: Support

Thank you for the opportunity to testify on Bill #18-0229. 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.

Fundraising is often one of the most difficult and least enjoyable tasks of an elected official's campaign. Bill #18-0229 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 #18-0229 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.



League of Women Voters of Baltimore City

6600 York Road, Suite 211, Baltimore, MD 21212
410-377-7738 • E-mail: lwvbaltimore@comcast.net • www.lwv-baltimorecity.org
Facebook: League of Women Voters of Baltimore City

TESTIMONY TO THE JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

Council Bill # 18-0229 – Charter Amendment for the Fair Elections Fund

POSITION: Support

BY: Lois Hybl and Flo Valentine – Co-Presidents

DATE: June 20, 2018

As part of our mission to “Defend Democracy and Empower Voters,” members and friends of the League of Women Voters of Baltimore City have registered over 1000 public high school and community college students since the beginning of the year. Some students were reluctant to register and participate in the election process because they felt that their vote would not make any difference.

We believe that the Fair Elections Fund can be part of a process that increases participation among voters. Candidates without deep pockets would be able to compete. It would allow candidates to spend more time with constituents and less time courting big donors. Voters who choose to make small donations would feel that it makes more of a difference.

Council Bill 18-0229 is a Charter Amendment that establishes the Fair Elections Fund and an independent commission to identify sources of revenue for the fund. If passed by the Baltimore City Council, the Charter Amendment will need to be authorized by Baltimore voters on the November 6 ballot.

The League of Women Voters supports methods of financing political campaigns that

- Enhance political equality for all citizens
- Ensure maximum participation by citizens in the political process and protect representative democracy from being distorted by big spending in election campaigns.
- Enable candidates to compete equitably for public office; ensure that candidates have sufficient funds to communicate their messages to the public; and combat corruption and undue influence in government.

We urge a favorable report for Council Bill 18-0229.

City of Baltimore

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

Meeting Agenda - Final

Judiciary and Legislative Investigations

Wednesday, June 20, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0229

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0229

Charter Amendment - Fair Election Fund

For the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors:

Kristerfer Burnett, Bill Henry, Ryan Dorsey, John T. Bullock, Leon F. Pinkett, III, Brandon M. Scott, Zeke Cohen, Shannon Sneed, Mary Pat Clarke

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, 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

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0229

Charter Amendment - Fair Election Fund

Sponsor: Councilmember Burnett, et al

Introduced: April 23, 2018

Purpose:

For the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: 30th day after adoption by the legal and qualified voters of Baltimore City

Hearing Date/Time/Location: June 20, 2018/5:00 p.m./Clarence "Du" Burns Chamber

AGENCY REPORTS

Department of Finance
City Solicitor

ANALYSIS

Current Law

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 and Background

Council Bill 18-0229 is a Mayor and City Council resolution proposing a Charter Amendment, to be voted upon by the City electorate, authorizing the creation by ordinance of a fund to provide a public financing option for political campaigns for Baltimore City elected offices. The purposes of the fund include providing direct funding to candidates, providing technical assistance and training to individuals seeking to use the fund, publicizing the availability of the fund, and administering the public campaign funding program. The Amendment also authorizes a Baltimore City Fair Election Fund Commission with 11 members to administer the fund, provides for the appointment of Commission members, and sets qualifications and terms for the members.

The Amendment authorizes revenues for the fund through appropriations and proceeds from fines, fees, surcharges, or other revenues dedicated to the fund by ordinance. The fund may also receive grants and donations. Unspent portions of the fund will remain in the fund to be used for the ordained purposes, will not revert to the general revenues of the City, and their appropriations do not lapse.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Maryland Code, Baltimore City Charter, Bill 18-0229.

Analysis by:



Matthew L. Peters

Analysis Date:

June 15, 2018

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 18-0229
(Resolution)
(Charter Amendment)**

Introduced by: Councilmembers Burnett, Henry, Dorsey, Bullock, Pinkett, Scott, Cohen, Sneed, Clarke

Introduced and read first time: April 23, 2018

Assigned to: Judiciary and Legislative Investigations Committee

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

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Fair Election Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Fair Election Fund, to be used exclusively to administer a public financing option for political campaigns for Baltimore City elected offices; authorizing the Mayor and City Council to dedicate revenue to the Fair Election Fund by ordinance; establishing a Fair election Fund Commission to administer the Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add
Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

§ 15. SPECIAL FUND FOR FAIR ELECTIONS.

(A) AUTHORIZATION.

(1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A CONTINUING, NONLAPSING FUND FOR PURPOSES OF ENCOURAGING FAIR ELECTIONS BY ADMINISTERING A PUBLIC FINANCING OPTION FOR POLITICAL CAMPAIGNS FOR BALTIMORE CITY ELECTED OFFICES.

(2) THESE PURPOSES INCLUDE:

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

Council Bill 18-0229

(I) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET CERTAIN QUALIFICATIONS;

(II) PROVIDING TECHNICAL ASSISTANCE AND TRAINING TO INDIVIDUALS SEEKING TO MAKE USE OF PUBLIC CAMPAIGN FUNDING;

(III) PUBLICIZING THE AVAILABILITY OF PUBLIC CAMPAIGN FUNDING; AND

(IV) ADMINISTERING A PUBLIC CAMPAIGN FUNDING PROGRAM.

(B) BALTIMORE CITY FAIR ELECTION FUND COMMISSION.

(1) THE FUND IS ADMINISTERED BY THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION, AND NO FUNDS MAY BE DISPERSED FROM THE FUND WITHOUT AUTHORIZATION BY THAT COMMISSION.

(2) THE BALTIMORE CITY FAIR ELECTION FUND COMMISSION CONSISTS OF 11 MEMBERS, INCLUDING:

(I) 2 MEMBERS APPOINTED BY THE MAYOR;

(II) 2 MEMBERS REPRESENTING ORGANIZATIONS FOCUSED ON GOVERNMENT REFORM, APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL;

(III) 1 MEMBER REPRESENTING AN ORGANIZATION ADVOCATING FOR THE INTERESTS OF CITY BUSINESS OWNERS, APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL;

(IV) 2 ADDITIONAL MEMBERS APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL; AND

(V) 4 MEMBERS APPOINTED BY MAJORITY VOTE OF THE CITY COUNCIL.

(3) 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.

Council Bill 18-0229

(4) THE TERM OF A MEMBER OF THE COMMISSION IS:

(I) FOR THE MEMBERS OF THE INITIAL COMMISSION APPOINTED BY VOTE OF THE CITY COUNCIL, 6 YEARS BEGINNING ON MAY 1, 2019;

(II) FOR ALL OTHER MEMBERS OF THE INITIAL COMMISSION, 4 YEARS BEGINNING ON MAY 1, 2019; AND

(III) FOR ALL MEMBERS APPOINTED TO A FULL TERM AFTER MAY 1, 2019, 4 YEARS FROM THE EXPIRATION OF THEIR PREDECESSOR'S APPOINTMENT.

(5) A VACANCY ARISING DURING A TERM SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT AND SHALL BE FILLED FOR THE REMAINDER OF THE PREDECESSOR'S TERM.

(6) THE COMMISSION SHALL ELECT A CHAIRPERSON AND A VICE CHAIRPERSON FROM ITS MEMBERS.

(7) A COMMISSION MEMBER SHALL NOT RECEIVE COMPENSATION FOR SERVICE ON THE COMMISSION, BUT MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(C) *REVENUE SOURCES.*

THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF:

(1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;

(2) GRANTS OR DONATIONS MADE TO THE FUND; AND

(3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO THE FUND BY ORDINANCE.

(D) *CONTINUING NATURE OF FUND.*

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE FUND ESTABLISHED UNDER THIS SECTION:

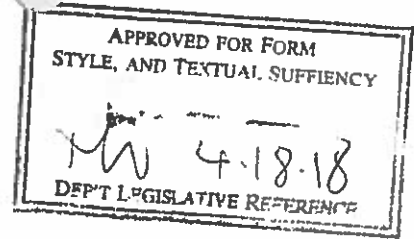
(1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

(2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

(3) THEIR APPROPRIATIONS DO NOT LAPSE.

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____
(Charter Amendment)



Introduced by: Councilmember Burnett

A RESOLUTION ENTITLED
A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Fair Election Fund

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(2) THESE PURPOSES INCLUDE:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

- (I) PROVIDING DIRECT FUNDING TO CANDIDATES FOR PUBLIC OFFICE WHO MEET CERTAIN QUALIFICATIONS;
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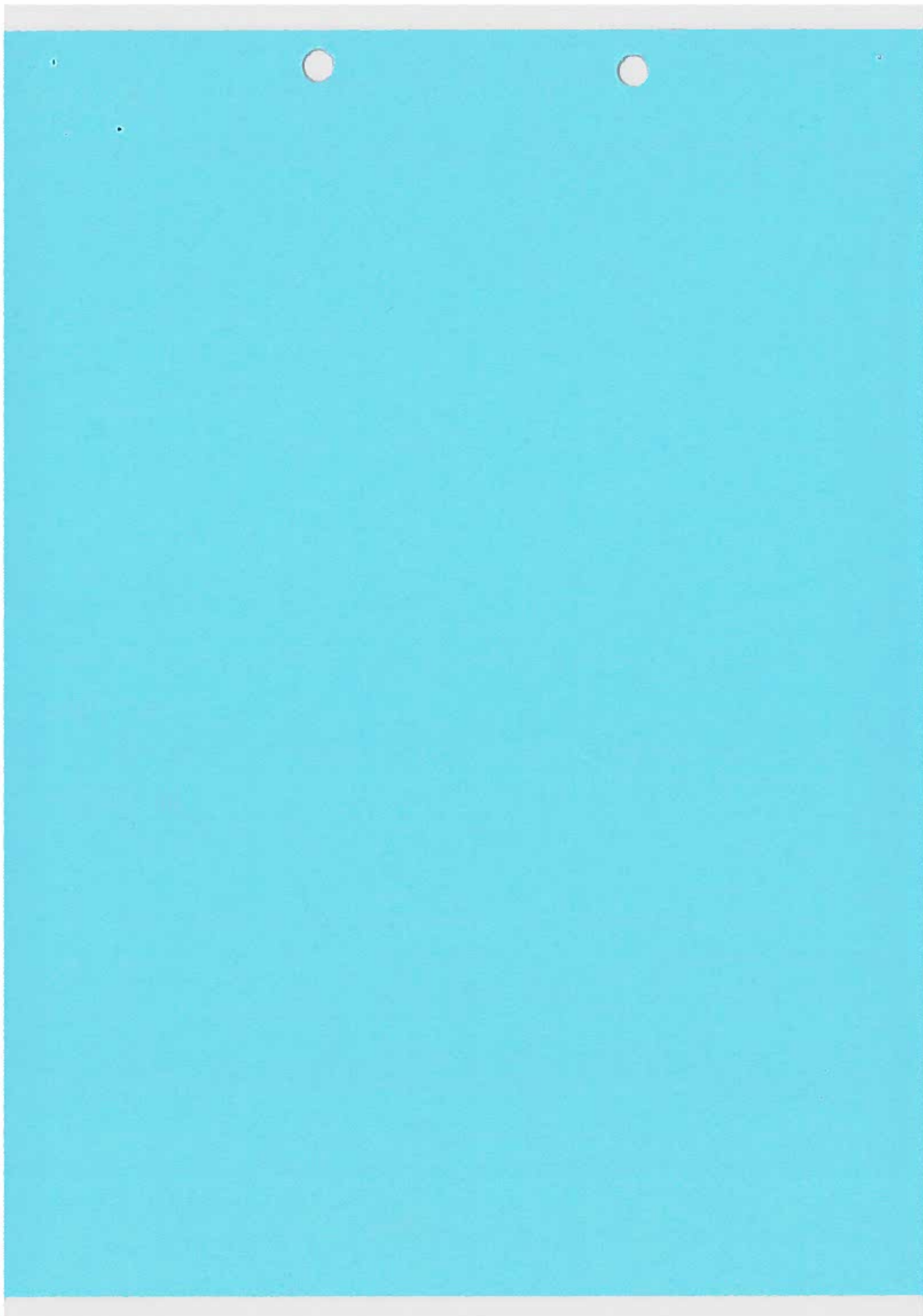
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ACTION BY THE CITY COUNCIL

APR 23 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON June 20, 2018 _____ 20 _____

COMMITTEE REPORT AS OF June 25, 2018 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE ☒ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

CV. [Signature]

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:

JUN 25, 2018

☒ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

Floor amendment failed

JUL 09 2018

THIRD READING _____ 20 _____

_____ 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.

[Signature]

President

[Signature]

Chief Clerk