

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-076-2023

Chapter No. 57

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Franklin, Blegay and Hawkins

Co-Sponsors _____

Date of Introduction October 10, 2023

BILL

1 AN ACT concerning

2 Revision of the Fair Election Fund

3 For the purpose of revising language of the Fair Election Fund in order to provide greater clarity

4 BY repealing and reenacting with amendments:

5 SUBTITLE 10. FINANCE AND TAXATION.

6 Sections 10-322, 10-323, 10-324, 10-325, 10-327,

7 10-328, 10-329, 10-330, 10-331, 10-332, and 10-333

8 The Prince George's County Code

9 (2019 Edition; 2022 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Sections 10-322, 10-323, 10-324, 10-325, 10-327, 10-328, 10-329, 10-330, 10-
 12 331, 10-332, and 10-333 of the Prince George's County Code be and the same are hereby
 13 repealed and reenacted with the following amendments:

14 **SUBTITLE 10. FINANCE AND TAXATION.**

15 **DIVISION 26. FAIR ELECTION FUND.**

16 **Sec. 10-322. Definitions.**

17 (a) The words defined in this Section shall have the meanings set forth below whenever
 18 they appear in this Division unless the context in which they are used clearly requires a different
 19 meaning or a different definition is prescribed for a particular provision.

20 (1) **Applicant C[c]andidate** means a candidate who is seeking to be a C[c]ertified
 21 C[c]andidate in a primary or general election.

1 (2) **Campaign F[f]inance E[e]ntity** means a political committee established pursuant
2 to the Annotated Code of Maryland, Election Law Article, Title 1, Subtitle 1.

3 (3) **Certified C[c]andidate** means a candidate who is certified as eligible for public
4 campaign financing from the Fund.

5 (4) **Citizen F[f]unded C[c]ampaign A[a]ccount** means a campaign finance entity
6 [account] into which Eligible Private C[c]ontributions will be received and from which money
7 may be spent in accordance with this Division.

8 (5) **Commission** means the Fair Election Fund Commission.

9 (6) **Contested E[e]lection** means any election, including a special election, in which
10 there are more candidates for office than the number who can be elected to that office.

11 (7) **Contribution** means the same as defined in the Annotated Code of Maryland,
12 Election Law Article, Title 1, Subtitle 1.

13 (8) **County Board** means the Prince George's County Board of Elections.

14 (9) **County R[r]esident** means a natural person who resides in Prince George's
15 County.

16 (10) **Director** means the Director of Finance or the Director's designee.

17 (11) **Election C[c]ycle** means the same as defined in the Annotated Code of
18 Maryland, Election Law Article, Title 1, Subtitle 1.

19 (12) **Eligible P[p]rivate C[c]ontribution** means an aggregate contribution [donation]
20 in a 4-year election cycle to a Citizen Funded Campaign Account from an individual, including
21 an individual who does not reside in the County, that does not exceed the contribution limit set in
22 this Division.

23 (13) **Fund** means the Fair Election Fund.

24 (14) **Participating C[c]andidate** means a Certified C[c]andidate who has received a
25 P[p]ublic C[c]ontribution from the Fund during the current Election C[c]ycle.

1 (15) **Public C[c]ontribution** means money disbursed from the Fund to a C[c]ertified
2 C[c]andidate.

3 (16) **Qualifying C[c]ontribution** means an E[e]ligible Private C[c]ontribution in
4 support of an A[a]pplicant C[c]andidate that is:

- 5 (A) made by a County R[r]esident;
- 6 (B) made after the beginning of the Q[q]ualifying P[p]eriod, but no later than
7 the next general election;
- 8 (C) acknowledged by a receipt; and
- 9 (D) not an in-kind contribution of property, goods or services.

10 (17) **Qualifying P[p]eriod** means:

- 11 (A) the time beginning on January 1 following the last election for the office
12 the candidate seeks and ending 45 days before the date of the primary election; or
- 13 (B) for a special election, the time that the County Council shall set by
14 Council resolution.

15 * * * * *

16 **Sec. 10-323. Public Election Fund established.**

17 * * * * *

- 18 (b) The Fund consists of:
- 19 (1) money appropriated to the Fund;
 - 20 (2) any unspent money remaining in a C[c]ertified C[c]andidate's C[c]itizen
21 E[f]unded C[c]ampaign A[a]ccount after the candidate is no longer a candidate;
 - 22 (3) any P[p]ublic C[c]ontribution returned to the Fund;
 - 23 (4) any donations made to the Fund;
 - 24 (5) any fines collected pursuant to Section 10-332 of this Division; and
 - 25 (6) any earnings on money in the Fund.

26 * * * * *

27 **Sec. 10-324. Collecting qualifying contributions.**

1 (a) Before raising any contribution governed by this Division, an A[a]pplicant
 2 C[c]andidate shall:

3 (1) file notice of intent with the State Board in the manner that the State Board
 4 requires; and

5 (2) establish a C[c]itizen F[f]unded C[c]ampaign A[a]ccount.

6 (b) Contribution limits.

7 (1) Except as otherwise provided in Subsection (b)(2), the Citizen Funded Campaign
 8 Account of an A[a]pplicant C[c]andidate shall not accept:

9 (A) E[e]ligible Private C[c]ontributions of more than Two Hundred Fifty
 10 Dollars (\$250) in the aggregate during an E[e]lection C[c]ycle;

11 (B) or a loan.

12 (2) The Citizen Funded Campaign Account of a[A]n A[a]pplicant C[c]andidate may
 13 accept contributions and loans up to a total of Six Thousand Dollars (\$6,000) from:

14 (A) the A[a]pplicant C[c]andidate; and[or]

15 (B) a spouse.

16 (c) Consumer Price Index adjustment.

17 (1) The contribution limit specified in Subsection (b)(1) shall be adjusted for the next
 18 election cycle on July 1, 2026, and July 1 of each subsequent fourth year by the increase in the
 19 Consumer Price Index for the previous four (4) calendar years, rounded up to the next Ten
 20 Dollars (\$10).

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

23 (d) If an Applicant Candidate has a Campaign Finance Entity that was created and used
 24 in an election prior to the current Election Cycle:

25 (1) that has an account balance but has not received any contributions, nor made any
 26 expenditures or transfers from such Campaign Finance Entity during the current Election Cycle,
 27 the Applicant Candidate may file a notice of intent to participate in the Fair Election Fund
 28 campaign system if the Applicant Candidate certifies to the State Board that the candidate will
 29 freeze the pre-existing Campaign Finance Entity and will not accept any contributions, nor make
 30 any expenditures or transfers from such Campaign Finance Entity; or

1 (2) that has an account balance and has received any contributions, made any
 2 expenditures or made any transfers from such Campaign Finance Entity during the current
 3 Election Cycle, the Applicant Candidate may file a notice of intent to participate in the Fair
 4 Election Fund campaign system if

5 (A) the notice of intent is filed 24 months prior to the primary election;

6 (B) during the current Election Cycle, expenditures and transfers made from
 7 the pre-existing Campaign Finance Entity prior to filing the notice of intent did not exceed
 8 \$25,000 for a candidate for County Executive, \$10,000 for a candidate of At-Large Council
 9 Member, or \$5,000 for a candidate of District Council Member; and

10 (C) the Applicant Candidate certifies to the State Board that the candidate will
 11 freeze the pre-existing Campaign Finance Entity and will not accept any additional contributions,
 12 nor make any additional expenditures or transfers from such Campaign Finance Entity.

13 (3) In the case of an Applicant Candidate subject to paragraph (2), any contributions
 14 received from an individual that do not exceed the contribution limit in subsection (b) during the
 15 current Election Cycle and prior to filing the notice of intent may be returned to the individual. In
 16 such case, the individual may make Eligible Private Contributions to the candidate's Citizen
 17 Funded Campaign account in accordance with subsection (b).

18 **Sec. 10-325. Requirements for certification.**

19 (a) Application for certification.

20 (1) An A[a]pplicant C[c]andidate shall apply to the State Board for certification.

21 (2) The State Board may only accept an application during the Q[q]ualifying P[p]eriod.

22 (3) An application shall be submitted in the form that the State Board requires.

23 (4) Subject to Subsection (a)(6), an A[a]pplicant C[c]andidate may submit only one
 24 application for certification for any election.

25 (5) An A[a]pplicant C[c]andidate shall include with the application all documentation
 26 required by the State or, in the absence of State requirements, the following:

27 (A) a declaration from the A[a]pplicant C[c]andidate agreeing to follow the
 28 requirements governing the use of a P[p]ublic C[c]ontribution;

29 (B) a campaign finance report that contains the information that the State Board
 30 requires for a campaign finance report and that includes, but is not limited to:

31 (i) a list of each Q[q]ualifying C[c]ontribution received;

1 (ii) a list of each expenditure made by the candidate during the
2 Q[qualifying P[period;

3 (iii) a copy of the receipt associated with each contribution that identifies
4 the contributor's name and residential address; and

5 (iv) a copy of the receipt associated with each expenditure; and

6 (C) a certificate of candidacy for County Executive or County Council.

7 [(6) An applicant candidate shall not be eligible for certification if the State Board
8 determines the candidate has failed to submit a campaign finance report in the four (4) years
9 preceding the election cycle.]

10 (~~6~~[7])An A[applicant C[candidate shall not coordinate with a political action
11 committee.

12 [(8)An applicant candidate shall agree to participate in at least one (1) debate by a civic
13 organization.]

14 (~~7~~[9])If an application is denied, the applicant may resubmit the application once if done
15 before the [deadline] end of the Qualifying Period.

16 (b) To qualify as a C[certified C[candidate:

17 (1) a candidate for County Executive shall collect from County Residents at least:

18 (A) Five Hundred (500) Q[qualifying C[contributions; and

19 (B) an aggregate total of Forty Thousand Dollars (\$40,000);

20 (2) a candidate for At-Large Council Member shall collect from County R[residents
21 at least:

22 (A) Two Hundred Fifty (250) Q[qualifying C[contributions; and

23 (B) an aggregate total of Fifteen Thousand Dollars (\$15,000); and

24 (3) a candidate for District Council Member shall collect from County R[residents at
25 least:

26 (A) One Hundred Fifty (150) Q[qualifying C[contributions; and

27 (B) an aggregate total of Seven Thousand Five Hundred Dollars (\$7,500).

28 (c) Contributions.

1 (1) An A[a]pplicant C[c]andidate shall deposit all contributions received into the
2 candidate's C[c]itizen F[f]unded C[c]ampaign A[a]ccount.

3 (2) An A[a]pplicant C[c]andidate shall deliver to the State Board a copy of a receipt
4 for each Q[q]ualifying C[c]ontribution that identifies the contributor's name and residential
5 address and that is signed by the contributor directly or by a digital signature using a method
6 approved by the State Board.

7 (d) The County Executive, after consulting with the State Board, shall promulgate
8 regulations that specify:

9 (1) how and when receipts for Q[q]ualifying C[c]ontributions from contributors shall
10 be submitted to the State Board;

11 (2) the documents that shall be filed with the State Board for certification;

12 (3) the allowable uses of money in a [publicly] Citizen F[f]unded C[c]ampaign
13 A[a]ccount; and

14 (4) other policies necessary to implement this Division.

15 Any such regulations shall be submitted to the County Council by resolution for approval.

16 * * * * *

17 **Sec. 10-327. Distribution of public contribution.**

18 (a) In General.

19 (1) The Director shall distribute a public contribution from an election only during:

20 (A) the time beginning 365 days before the primary election for the office the
21 candidate seeks and ending 15 days after the general election; or

22 (B) the time that the County Council sets by resolution for a special election.

23 (2) A C[c]ertified C[c]andidate may continue to collect Q[q]ualifying C[c]ontributions
24 and receive a matching P[p]ublic C[c]ontribution up to a primary or general election. Once the
25 total P[p]ublic C[c]ontribution payable to a C[c]ertified C[c]andidate for the E[e]lection C[c]ycle
26 is reached, the C[c]ertified C[c]andidate may still receive [public] Eligible Priate
27 C[c]ontributions up to the maximum amount of Two Hundred Fifty Dollars (\$250) per donor but
28 the contribution will no longer be matched. All contributions shall include receipts.

29 (3) For purposes of this Subsection, whether an election is a C[c]ontested Election
30 shall be determined no later than seven (7) days after the filing deadline preceding the election.

1 The Director shall not disburse a P[p]ublic C[c]ontribution to a Certified Candidate in an
 2 election[in] which is not a Contested Election [the candidate is the sole individual who has filed
 3 a certificate of candidacy for that office]; however, a C[c]ertified C[c]andidate may collect
 4 Eligible Private C[c]ontributions during an uncontested election.

5 (b) Receipts; deposits.

6 (1) To receive a P[p]ublic C[c]ontribution, a P[p]articipating C[c]andidate shall
 7 submit a receipt to the State Board for each Q[q]ualifying C[c]ontribution.

8 (2) The receipt shall identify the contributor's name, residential address, and the date
 9 of the contribution.

10 (3) The Director shall deposit the appropriate public contribution into a
 11 P[p]articipating C[c]andidate's C[c]itizen F[f]unded C[c]ampaign A[a]ccount within [three]five
 12 (~~3~~5) business days after the State Board authorizes the P[p]ublic C[c]ontribution.

13 (c) Contributions of less than \$1. An individual contribution of less than One Dollar (\$1)
 14 may be considered under Section 10-325 of this Division but shall not be considered when
 15 calculating the P[p]ublic C[c]ontribution under this Section.

16 (d) Amount of distribution.

17 (1) for a [certified] P[p]articipating C[c]andidate for County Executive, the matching
 18 dollars shall equal:

19 (A) Seven Dollars (\$7) for each dollar of a Q[q]ualifying C[c]ontribution
 20 received for the first Twenty-Five Dollars (\$25) of each Q[q]ualifying C[c]ontribution;

21 (B) Five Dollars (\$5) for each dollar of a Q[q]ualifying C[c]ontribution
 22 received for the next Fifty Dollars (\$50) of each Q[q]ualifying C[c]ontribution;

23 (C) One Dollar (\$1) for each dollar of a Q[q]ualifying C[c]ontribution
 24 received for the next Seventy-Five Dollars (\$75) of each Q[q]ualifying C[c]ontribution; and

25 (D) contributions of One Hundred Fifty-One Dollars (\$151) to Two Hundred
 26 Fifty Dollars (\$250) shall not be matched.

27 (2) for a [certified] P[p]articipating C[c]andidate for County Council, the matching
 28 dollars shall equal:

29 (A) Seven Dollars (\$7) for each dollar of a Q[q]ualifying C[c]ontribution
 30 received for the first Twenty-Five Dollars (\$25) of each Q[q]ualifying C[c]ontribution;

1 (B) Five Dollars (\$5) for each dollar of a Q[q]ualifying C[c]ontribution
2 received for the next Fifty Dollars (\$50) of each Q[q]ualifying C[c]ontribution;

3 (C) One Dollar (\$1) for each dollar of a Q[q]ualifying C[c]ontribution
4 received for the next Seventy-Five Dollars (\$75) of each Q[q]ualifying C[c]ontribution; and

5 (D) Contributions of One Hundred Fifty-One Dollars (\$151) to Two Hundred
6 Fifty Dollars (\$250) shall not be matched.

7 (3) The total P[p]ublic C[c]ontribution payable to a [certified] P[p]articipating
8 C[c]andidate for the E[e]lection C[c]ycle, including the primary or a general election, shall not
9 exceed:

10 (A) Seven Hundred Fifty Thousand Dollars (\$750,000) for a candidate for
11 County Executive;

12 (B) Two Hundred Thousand Dollars (\$200,000) for a candidate for At-Large
13 Council Member; and

14 (C) Seventy-Five Thousand Dollars (\$75,000) for a candidate for District
15 Council Member.

16 (e) The Director shall not distribute a P[p]ublic C[c]ontribution based on:

17 (1) a contribution from the candidate, the candidate's spouse, adult sibling or parent;

18 or

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

20 (f) Fund insufficiency. On or before July 1st of the year preceding the primary election, the
21 Director shall determine if the amount in the Fund is sufficient to meet the maximum P[p]ublic
22 C[c]ontributions reasonably expected to be required during the next E[e]lection C[c]ycle. If the
23 Director determines that the total amount available for distribution in the Fund is insufficient to
24 meet the allocations required by this Section, the Director shall reduce each P[p]ublic
25 C[c]ontribution by the same percentage.

26 (g) Disbursements after primary election. Within three (3) business days after the County
27 Board certifies the results of the primary election, the State Board shall authorize the Director to
28 continue to disburse the appropriate P[p]ublic C[c]ontribution for the general election to each
29 P[p]articipating C[c]andidate who is certified to be on the ballot for the general election.

1 (h) Return of unspent funds. Within thirty (30) days after the County Board certifies the
 2 results of the primary election, a P[p]articipating C[c]andidate who is not certified to be on the
 3 ballot for the general election shall return to the Fund any unspent money in the candidate's
 4 C[c]itizen F[f]unded C[c]ampaign A[a]ccount. On or before December 31, after the general
 5 election, a P[p]articipating C[c]andidate shall return to the Fund any unspent money in the
 6 candidate's C[c]itizen F[f]unded C[c]ampaign A[a]ccount.

7 (i) Candidates nominated by petition or by non-principal political parties.

8 (1) "Principal Political Parties" has the meaning stated in the Annotated Code of
 9 Maryland, Elections Law Article, Section 1-101.

10 (2) A C[c]ertified C[c]andidate nominated by petition or by a party that is not a
 11 Principal Political Party may receive a P[p]ublic C[c]ontribution for the general election if the
 12 candidate's nomination is certified by the County Board.

13 (3) A C[c]ertified C[c]andidate under this Subsection shall qualify 45 days before the
 14 date of the general election.

15 (j) Review of small donor financing by the Commission.

16 (1) In general. After each regularly scheduled general election for office, the Fair
 17 Election Fund Commission shall conduct a comprehensive review of the Small Dollar financing
 18 program under this Division, including

19 (A[i]) the maximum and minimum dollar amounts of qualified small dollar
 20 contributions;

21 (B[ii]) the number and value of qualified small dollar contributions a candidate is
 22 required to obtain to be eligible for certification as a P[p]articipating C[c]andidate;

23 (C[iii]) the maximum amount of payments a candidate may receive under this
 24 title;

25 (D[iv]) the overall satisfaction of P[p]articipating C[c]andidates and the public
 26 with the program;

27 (E[v]) the analysis, recommendation and creation of a plan to the County
 28 governing body to reduce racial, ethnic, socio-economic and geographic disparities regarding
 29 access to public matching funds by participating candidates; and

1 (F[vi]) such other matters relating to financing of campaigns as the Fair Election
2 Fund Commission determines are appropriate.

3 (2) Criteria for review. In conducting the review under this Subsection, the Fair
4 Election Fund Commission shall consider the following:

5 (A[i]) Qualified small dollar contributions. The Fair Election Fund Commission
6 shall consider whether the number and dollar amounts of qualified small dollar contributions
7 required strikes an appropriate balance regarding the importance of voter involvement, the need
8 to assure adequate incentives for participating, and fiscal responsibility, taking into consideration
9 the number of primary and general election participating candidates, the electoral performance of
10 those candidates, program cost, and any other information the Fair Election Fund Commission
11 determines is appropriate.

12 (B[ii]) Review of payment levels. The Fair Election Fund Commission shall
13 consider whether the totality of the amount of funds allowed to be raised by P[p]articipating
14 C[c]andidates (including through qualified small dollar contributions) and payments under this
15 Division are sufficient for voters in the County to learn about the candidates to cast an informed
16 vote, taking into account the historic amount of spending by winning candidates, media costs,
17 primary election dates, and any other information the Fair Election Fund Commission determines
18 is appropriate.

19 (3) Recommendations for adjustments of amounts. Based on the review conducted
20 under this Subsection, the Fair Election Fund Commission may recommend to the County
21 Council adjustments of the following amounts:

22 (A[i]) The number and value of qualified small dollar contributions a candidate
23 is required to obtain to be eligible for certification as a P[p]articipating C[c]andidate.

24 (B[ii]) The maximum amount of payments that may be received under this
25 Division.

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

28 **Sec. 10-328. Use of public contribution.**

29 (a) In General.

30 (1) A P[p]articipating C[c]andidate may only make expenditures from the C[c]itizen
31 F[f]unded C[c]ampaign A[a]ccount registered with the State Board for expenses incurred once

1 the candidate is certified by the State Board. No previous expenses or prior loans may be paid for
2 with public financing dollars.

3 (2) A P[p]articipating C[c]andidate shall not pay in advance for goods and services to
4 be used after certification with non-qualifying contributions received before applying for
5 certification.

6 (3) The Director may provide for further limitations for use of P[p]ublic
7 C[c]ontributions through regulation.

8 (4) (A) Except as provided in paragraph (B) of this Subsection, the Director shall
9 reduce the P[p]ublic C[c]ontribution to a P[p]articipating C[c]andidate's C[c]itizen F[f]unded
10 C[c]ampaign A[a]ccount by the total amount of all expenditures made after the end of the
11 previous E[e]lection C[c]ycle from the candidate's non-participating campaign account.

12 (B) Expenditures made with contributions received prior to the end of the
13 previous E[e]lection C[c]ycle towards debts accrued before the end of the previous E[e]lection
14 C[c]ycle shall not reduce the P[p]ublic C[c]ontribution to a P[p]articipating C[c]andidate's
15 C[c]itizen F[f]unded C[c]ampaign A[a]ccount.

16 (b) Allegations of impermissible act. A complaint alleging an impermissible receipt or use
17 of funds by a P[p]articipating C[c]andidate shall be filed with the State Board.

18 (c) Access to records. On request of the Commission, a P[p]articipating C[c]andidate shall
19 provide the Commission with reasonable access to the financial records of the candidate's
20 C[c]itizen F[f]unded C[c]ampaign A[a]ccount. A P[p]articipating C[c]andidate shall keep all
21 records for a period of four (4) years after the election to which the documents relate. The
22 records shall be kept by the treasurer unless the State Board has been notified otherwise.

23 **Sec. 10-329. Withdrawal.**

24 (a) A P[p]articipating C[c]andidate may withdraw from participation if the candidate
25 files a statement of withdrawal with the State Board and Commission in the form that the State
26 Board requires and:

27 (1) terminates candidacy to withdraw from the election completely; or

28 (2) withdraws prior to receiving any P[p]ublic C[c]ontribution.

29 (b) Termination of candidacy. A P[p]articipating C[c]andidate who withdraws under
30 Subsection (a)(1) shall repay to the Fund the full amount of any P[p]ublic C[c]ontribution

1 received, plus interest accruing from the date of withdrawal at the same rate as the current bank
2 prime loan rate reported by the Board of Governors of the Federal Reserve System.

3 (c) Personal liability. If the funds remaining in the candidate's C[c]itizen F[f]unded
4 C[c]ampaign A[a]ccount at the time of withdrawal are insufficient to repay the Fund under
5 Subsection (b) of this Section, the candidate shall be personally liable for repayment.

6 (d) Reduced repayment. The Commission may reduce any repayment under Subsection (b)
7 of this Section for a P[p]articipating C[c]andidate who must withdraw for health reasons or other
8 cause not within the candidate's control and may consider personal financial hardship.

9 **Sec. 10-330. Applicant and participating candidate restrictions; affiliation.**

10 (a) An applicant candidate or a P[p]articipating C[c]andidate shall not:

11 (1) accept a private contribution from any group or organization, including a political
12 action committee, a corporation, a labor organization, or a State or local central committee of a
13 political party;

14 (2) accept private contributions from an individual in an aggregate greater than Two
15 Hundred Fifty Dollars (\$250) during an E[e]lection C[c]ycle, or the maximum amount of an
16 E[e]ligible Priate Contribution, as adjusted by Section 10-324(c);

17 (3) after filing a notice of intent with the State Board to seek public financing, pay for
18 any campaign expense with any campaign finance entity other than the candidate's C[c]itizen
19 F[f]unded C[c]ampaign A[a]ccount;

20 (4) be a member of a slate in any election in which the candidate receives a P[p]ublic
21 C[c]ontribution;

22 (5) transfer money:

23 (A) to the candidate's C[c]itizen F[f]unded C[c]ampaign A[a]ccount from any
24 other campaign finance entity established for the candidate; or

25 (B) from the candidate's C[c]itizen F[f]unded C[c]ampaign A[a]ccount to any
26 other campaign finance entity; or

27 (6) coordinate expenses except with another P[p]articipating C[c]andidate if the
28 expenses are shared equally among the coordinating candidates.

29 (b) Affiliation. Pursuant to COMAR 33.13.14, a candidate who accepts P[p]ublic
30 Contributions [funds] may affiliate with any other candidates, including non-publicly financed
31 candidates, on campaign material if:

1 (1) the [authorized candidate campaign committee] Citizen Funded Campaign
2 Account makes a direct disbursement to the payee for its share of the costs of the campaign
3 material; and

4 (2) the campaign material displays the authority line of the [authorized candidate
5 campaign committee] Citizen Funded Campaign Account.

6 (c) If it is determined that Q[qualifying] C[contributions] were received in violation of the
7 Annotated Code of Maryland, General Provisions Article, Title 5, Subtitle 8 and a matching
8 P[public] C[contribution] was disbursed, the matching P[public] C[contribution] shall be
9 returned to the Fund in the full amount.

10 **Sec. 10-331. Fair Election Fund Commission.**

11 * * * * *

12 (c) Term; vacancies.

13 (1) The term of a member of the Commission is four (4) years and begins on May 1.
14 The term of a member of the Commission nominated by the County Executive begins during the
15 first year of a County Council term. The term of a member of the Commission nominated by a
16 member of the County Council begins during the third year of a County Council term.

17 (2) A vacancy shall be filled in the same manner as the original appointment and for
18 the unexpired term.

19 (3) Notwithstanding paragraph (1) of this Subsection, to create staggered terms, the
20 terms of the initial members of the Commission who are nominated by [a member of] the County
21 Council shall be six (6) years and shall begin on May 1, 2019.

22 * * * * *

23 (f) Duties.

24 (1) The Commission shall issue a report to the Council on or before March 1 of each
25 year estimating the funds necessary to implement the public campaign finance system and
26 recommending an appropriation to the [Public]Fair Election Fund for the following fiscal year.

27 * * * * *

28 **Sec. 10-332. Penalties.**

29 Any violation of this Division is a civil violation and shall be subject to a fine of Five
30 Hundred Dollars (\$500) for each violation. A fine may be paid by the campaign but only if all

1 | P[public] C[ontributions] have been repaid to the Fund. Otherwise, the candidate or officer
2 | found to be responsible for the violation is personally liable for the fine.

3 | **Sec. 10-333. Initial election cycle.**

4 | The first election cycle during which a C[ertified] C[andidate] shall be eligible to
5 | receive [public] matching [funds] Public Contributions under this Act shall be the 2026
6 | E[lection] C[ycle].

7 | * * * * * * * *

8 | SECTION 2. BE IT FURTHER ENACTED that Section 2 of Chapter 86 of 2018 is hereby
9 | repealed.

10 | SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
11 | declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
12 | sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
13 | competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
14 | words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
15 | Act, since the same would have been enacted without the incorporation in this Act of any such
16 | invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
17 | or section.

18 | SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
19 | calendar days after it becomes law.

Adopted this 7th day of November, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *