

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2018 Legislative Session**

Bill No. CB-4-2018

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Lehman, Franklin, Patterson and Taveras

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Public Campaign Financing

3 For the purpose of establishing a Fair Election Fund to provide public campaign financing for a  
4 candidate for a County elective office; regulating certain campaign finance activity of a  
5 candidate for County elective office who voluntarily accepts public campaign financing;  
6 authorizing the Maryland State Board of Elections to administer and enforce the public campaign  
7 financing system; and providing for penalties for violations of the public campaign financing  
8 system.

9 BY adding:

10 SUBTITLE 10. FINANCE AND TAXATION.

11 Sections 10-317, 10-318, 10-319, 10-320, 10-321, 10-  
12 322, 10-323, 10-324, 10-325, 10-326, and 10-327,

13 The Prince George's County Code  
14 (2015 Edition; 2016 Supplement).

15 WHEREAS, the Fair Election Fund system is intended to promote and encourage broader  
16 access to elected office in Prince George's County and to prevent large donations from having  
17 undue influence in government; and

18 WHEREAS, the Fair Election Fund system is intended to enable citizens of Prince  
19 George's County to run for office on the strength of their ideas, supported by small donations  
20 from ordinary people and matching funds from the Fair Election Fund.

21 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

1 Maryland, that Sections 10-317, 10-318, 10-319, 10-320, 10-321, 10-322, 10-323, 10-324, 10-  
2 325, 10-326, and 10-327 of the Prince George's County Code be and the same are hereby added:

3 **SUBTITLE 10. FINANCE AND TAXATION.**

4 **DIVISION 25. FAIR ELECTION FUND.**

5 **Sec. 10-317. Definitions.**

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

9 (1) **Applicant candidate** means a candidate who is seeking to be a certified candidate  
10 in a primary or general election.

11 (2) **Campaign finance entity** means a political committee established pursuant to the  
12 Annotated Code of Maryland, Election Law Article, Title 1, Subtitle 1.

13 (3) **Certified candidate** means a candidate who is certified as eligible for public  
14 campaign financing from the Fund.

15 (4) **Citizen funded campaign account** means a campaign finance account into which  
16 eligible contributions will be received and from which money may be spent in accordance with  
17 this Division.

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

19 (6) **Contested election** means any election, including a special election, in which  
20 there are more candidates for office than the number who can be elected to that office.

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

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

24 (9) **County resident** means a natural person who resides in Prince George's County.

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

26 (11) **Election cycle** means the same as defined in the Annotated Code of Maryland,  
27 Election Law Article, Title 1, Subtitle 1.

28 (12) **Eligible contribution** means an aggregate donation in a 4-year election cycle  
29 from an individual, including an individual who does not reside in the County, that does not  
30 exceed the contribution limit set in this Division.

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

1           (14) **Participating candidate** means a certified candidate who has received a public  
2 contribution from the Fund during the current election cycle.

3           (15) **Public contribution** means money disbursed from the Fund to a certified  
4 candidate.

5           (16) **Qualifying contribution** means an eligible contribution in support of an applicant  
6 candidate that is:

7                   (A) made by a County resident;

8                   (B) made after the beginning of the qualifying period, but no later than the next  
9 general election; and

10                   (C) acknowledged by a receipt.

11           (17) **Qualifying period** means:

12                   (A) the time beginning on January 1 following the last election for the office the  
13 candidate seeks and ending 45 days before the date of the primary election; or

14                   (B) for a special election, the time that the County Council shall set by Council  
15 resolution.

16           (18) **Slate** means the same as defined in the Annotated Code of Maryland, Elections  
17 Law Article, Title 1, Subtitle 1.

18           (19) **State Board** means the Maryland State Board of Elections.

19 **Sec. 10-318. Public Election Fund established.**

20           (a) The Director shall establish a Citizen’s Election Fund as a special non-lapsing fund.

21           (b) The Fund consists of:

22                   (1) two percent (2%) of revenue from the County’s fees and charges pursuant to  
23 Section 2-253.63;

24                   (2) money appropriated to the Fund;

25                   (3) any unspent money remaining in a certified candidates’ citizen funded campaign  
26 account after the candidate is no longer a candidate;

27                   (4) any public contribution returned to the Fund;

28                   (5) any donations made to the Fund;

29                   (6) any fines collected pursuant to Section 10-327 of this Division; and

30                   (7) any earnings on money in the Fund.

31 **Sec. 10-319. Collecting qualifying contributions.**

1       (a) Before raising any contribution governed by this Division, an applicant candidate shall:

2           (1) file notice of intent with the State Board in the manner that the State Board

3 requires; and

4           (2) establish a citizen funded campaign account.

5       (b) Contribution limits.

6           (1) Except as otherwise provided in Subsection (b)(2), an applicant candidate shall  
7 not accept:

8                   (A) eligible contributions of more than One Hundred Fifty Dollars (\$150) in the  
9 aggregate during an election cycle;

10                   (B) or a loan.

11           (2) An applicant candidate may accept up to Twelve Thousand Dollars (\$12,000) in  
12 contributions or loans consisting of a combined total of not more than Six Thousand Dollars  
13 (\$6,000) from each of the following family members:

14                   (A) the applicant candidate;

15                   (B) a child who is at least eighteen (18) years old;

16                   (C) a spouse;

17                   (D) a parent; or

18                   (E) a sibling.

19       (c) Consumer Price Index adjustment.

20           (1) The contribution limit specified in Subsection (b)(1) shall be adjusted for the next  
21 election cycle on July 1, 2022, and July 1 of each subsequent fourth year by the increase in the  
22 Consumer Price Index for the previous four (4) calendar years, rounded up to the next Ten  
23 Dollars (\$10).

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

26 **Sec. 10-320. Requirements for certification.**

27       (a) Application for certification.

28           (1) An applicant candidate shall apply to the State Board for certification.

29           (2) The State Board may only accept an application during the qualifying period.

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

31           (4) Subject to Subsection (a)(6), an applicant candidate may submit only one

1                   application for certification for any election.

2                   (5) An applicant candidate shall include with the application all documentation  
3 required by the State or, in the absence of State requirements, the following:

4                   (A) a declaration from the applicant candidate agreeing to follow the  
5 requirements governing the use of a public contribution;

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

8                               (i) a list of each qualifying contribution received;

9                               (ii) a list of each expenditure made by the candidate during the qualifying  
10 period;

11                              (iii) a copy of the receipt associated with each contribution that identifies  
12 the contributor’s name and residential address; and

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

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

15           (b) To qualify as a certified candidate:

16                   (1) a candidate for Executive shall collect from County residents at least:

17                               (A) Five Hundred (500) qualifying contributions; and

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

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

21                               (A) Two Hundred Fifty (250) qualifying contributions; and

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

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

25                               (A) One Hundred Fifty (150) qualifying contributions; and

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

27           (c) Contributions.

28                   (A) An applicant candidate shall deposit all contributions received into the candidate’s  
29 citizen funded campaign account.

30                   (B) An applicant candidate shall deliver to the State Board a copy of a receipt for each  
31 qualifying contribution that identifies the contributor’s name and residential address and that is

1 signed by the contributor directly or by a digital signature using a method approved by the State  
 2 Board.

3 **Sec. 10-321. Board determination.**

4 (a) Within ten (10) days after the State Board receives a complete application for  
 5 certification, the State Board shall certify an applicant candidate who qualifies for certification.

6 (b) The decision by the State Board whether to certify a candidate is final.

7 (c) If the State Board certifies a candidate, the State Board shall so notify the Director.  
 8 After notification, the Director shall disburse a public contribution to the candidate's citizen  
 9 funded campaign account.

10 **Sec. 10-322. Distribution of public contribution.**

11 (a) In General.

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

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

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

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

18 (3) For purposes of this Subsection, whether an election is contested shall be  
 19 determined on the first Tuesday in August preceding the election. The Director shall not  
 20 disburse a public contribution to a certified candidate in an election in which the candidate is the  
 21 sole individual who has filed a certificate of candidacy for that office; however, a certified  
 22 candidate may collect contributions during an uncontested election.

23 (b) Receipts; deposits.

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

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

27 (3) The Director shall deposit the appropriate public contribution into a participating  
 28 candidate's citizen funded campaign account within three (3) business days after the State Board  
 29 authorizes the public contribution.

30 (c) Contributions of less than \$1. An individual contribution of less than One Dollar (\$1)  
 31 may be considered under Section 10-320 of this Division but shall not be considered when

1 calculating the public contribution under this Section.

2 (d) Amount of distribution.

3 (1) for a certified participating candidate for County Executive, the matching dollars  
4 shall equal:

5 (A) Seven Dollars (\$7) for each dollar of a qualifying contribution received for  
6 the first Twenty-Five Dollars (\$25) of each qualifying contribution;

7 (B) Five Dollars (\$5) for each dollar of a qualifying contribution received for the  
8 next Fifty Dollars (\$50) of each qualifying contribution; and

9 (C) Two Dollars (\$2) for each dollar of a qualifying contribution received for the  
10 next Seventy-Five Dollars (\$75) of each qualifying contribution.

11 (2) for a certified candidate for County Council, the matching dollars shall equal:

12 (A) Seven Dollars (\$7) for each dollar of a qualifying contribution received for  
13 the first Twenty-Five Dollars (\$25) of each qualifying contribution;

14 (B) Five Dollars (\$5) for each dollar of a qualifying contribution received for the  
15 next Fifty Dollars (\$50) of each qualifying contribution; and

16 (C) Two Dollars (\$2) for each dollar of a qualifying contribution received for the  
17 next Seventy-Five Dollars (\$75) of each qualifying contribution.

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

20 (A) One Million Dollars (\$1,000,000) for a candidate for County Executive;

21 (B) Two Hundred Fifty Thousand Dollars (\$250,000) for a candidate for At-  
22 Large Council Member; and

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

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

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

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

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

31 (g) Disbursements after primary election. Within three (3) business days after the County

1 Board certifies the results of the primary election, the State Board shall authorize the Director to  
2 continue to disburse the appropriate public contribution for the general election to each  
3 participating candidate who is certified to be on the ballot for the general election.

4 (h) Return of unspent funds. Within thirty (30) days after the County Board certifies the  
5 results of the primary election, a participating candidate who is not certified to be on the ballot  
6 for the general election shall return to the Fund any unspent money in the candidate's citizen  
7 funded campaign account. On or before December 31, after the general election, a participating  
8 candidate shall return to the Fund any unspent money in the candidate's citizen funded campaign  
9 account.

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

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

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

16 (3) A certified candidate under this Subsection shall qualify 45 days before the date  
17 of the general election.

18 (j) Review of small donor financing by the Citizen's Commission.

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

22 (i) the maximum and minimum dollar amounts of qualified small dollar  
23 contributions;

24 (ii) the number and value of qualified small dollar contributions a candidate  
25 is required to obtain to be eligible for certification as a participating candidate;

26 (iii) the maximum amount of payments a candidate may receive under this  
27 title;

28 (iv) the overall satisfaction of participating candidates and the public with  
29 the program; and

30 (v) such other matters relating to financing of campaigns as the Fair Election  
31 Fund Commission determines are appropriate.



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

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

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

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

20                  (i) The number and value of qualified small dollar contributions a candidate  
21 is required to obtain to be eligible for certification as a participating candidate.

22                  (ii) The maximum amount of payments that may be received under this  
23 Division.

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

26 **Sec. 10-323. Use of public contribution.**

27                  (a) In General.

28                  (1) A participating candidate may only make expenditures from the citizen funded  
29 campaign account registered with the State Board for expenses incurred for the election.

30                  (2) A participating candidate shall not pay in advance for goods and services to be  
31 used after certification with non-qualifying contributions received before applying for

1 certification.

2 (3) The Director may provide for further limitations for use of public contributions  
3 through regulation.

4 (4) (A) Except as provided in paragraph (B) of this Subsection, the Director shall  
5 reduce the public contribution to a participating candidate's citizen funded campaign account by  
6 the total amount of all expenditures made after the end of the previous election cycle from the  
7 candidate's non-participating campaign account.

8 (B) Expenditures made with contributions received prior to the end of the  
9 previous election cycle towards debts accrued before the end of the previous election cycle shall  
10 not reduce the public contribution to a participating candidate's citizen funded campaign  
11 account.

12 (b) Allegations of impermissible act. A complaint alleging an impermissible receipt or use  
13 of funds by a participating candidate shall be filed with the Commission.

14 (c) Access to records. On request of the Commission, a participating candidate shall  
15 provide the Commission with reasonable access to the financial records of the candidate's citizen  
16 funded campaign account.

17 **Sec. 10-324. Withdrawal.**

18 (a) A participating candidate may withdraw from participation if the candidate files a  
19 statement of withdrawal with the State Board and Commission in the form that the State Board  
20 requires and:

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

22 (2) withdraws prior to receiving any public contribution.

23 (b) Termination of candidacy. A participating candidate who withdraws under Subsection  
24 (a)(1) shall repay to the Fund the full amount of any public contribution received, plus interest  
25 accruing from the date of withdrawal at the same rate as the current bank prime loan rate  
26 reported by the Board of Governors of the Federal Reserve System.

27 (c) Personal loans. A candidate who withdraws under this Section shall repay the Fund  
28 under Subsection (b) before repaying any personal loans to the candidate's campaign.

29 (d) Personal liability. If the funds remaining in the candidate's citizen funded campaign  
30 account at the time of withdrawal are insufficient to repay the Fund under Subsection (b) of this  
31 Section, the candidate shall be personally liable for repayment.

1       (e) Reduced repayment. The Commission may reduce any repayment under Subsection  
2 (b) of this Section for a participating candidate who must withdraw for health reasons or other  
3 cause not within the candidate’s control and may consider personal financial hardship.

4 **Sec. 10-325. Applicant and participating candidate restrictions.**

5       An applicant candidate or a participating candidate shall not:

6       (a) accept a private contribution from any group or organization, including a political  
7 action committee, a corporation, a labor organization, or a State or local central committee of a  
8 political party;

9       (b) accept private contributions from an individual in an aggregate greater than One  
10 Hundred Fifty Dollars (\$150) during an election cycle, or the maximum amount of an eligible  
11 contribution, as adjusted by Section 10-319(c);

12       (c) after filing a notice of intent with the State Board to seek public financing, pay for any  
13 campaign expense with any campaign finance account other than the candidates’ citizen funded  
14 campaign account;

15       (d) be a member of a slate in any election in which the candidate receives a public  
16 contribution;

17       (e) accept a loan from anyone other than the candidate or the candidate’s spouse, parent or  
18 sibling;

19       (f) transfer money:

20           (1) to the candidate’s citizen funded campaign account from any other campaign  
21 finance entity established for the candidate; or

22           (2) from the candidate’s citizen funded campaign account to any other campaign  
23 finance entity; or

24       (g) coordinate expenses except with another participating candidate if the expenses are  
25 shared equally among the coordinating candidates.

26 **Sec. 10-326. Fair Election Fund Commission.**

27       (a) The Fair Election Fund Commission consists of seven (7) members. The County  
28 Council shall nominate five (5) members of the Commission, ensuring that the nominees reflect  
29 political and geographic diversity. At least one (1) member shall represent an organization  
30 focused on government reform. The County Executive shall nominate two (2) members of the  
31 Commission. Each nominee shall be confirmed by the County Council.

1        (b) Each member of the Commission shall be a resident of the County.

2        (c) Qualifications.

3            (1) Each member of the Commission shall be a resident of the County.

4            (2) A member of the Commission shall not be a candidate for public office during the  
5 previous, current, or next election cycle.

6            (3) A member shall not be a lobbyist registered with the County.

7            (4) A member shall not be the Chair or Treasurer for an open campaign account.

8            (5) A member shall be a registered voter.

9        (d) Term; vacancies.

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

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

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

19        (e) Officers. The Commission shall elect a Chairperson and Vice Chairperson from  
20 among its members.

21        (f) Compensation; expenses. A member of the Commission shall not receive  
22 compensation for service on the Commission except reasonable and necessary expenses as may  
23 be provided in the budget.

24        (g) Duties.

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

28           (2) Except as otherwise specified, the Commission shall administer this Division.

29           (3) The Commission shall meet:

30                (A) at least once every ninety (90) days during the twelve (12) months preceding  
31 a primary election; and

1                   (B) at least twice a year otherwise.

2           (h) Staff. The Office of Finance shall provide staff support for the Commission to:

3                   (1) work with the State Board of Elections to administer the system; and

4                   (2) provide information about the system to candidates and the public.

5 **Sec. 10-327. Penalties.**

6           Any violation of this Division is a civil violation and shall be subject to a fine of Five  
7 Hundred Dollars (\$500) for each violation. A fine may be paid by the campaign but only if all  
8 public contributions have been repaid to the Fund. Otherwise, the candidate or officer found to  
9 be responsible for the violation is personally liable for the fine.

10           SECTION 2. BE IT FURTHER ENACTED that the Commission shall, in consultation  
11 with the Prince George’s County Board of Elections, conduct an analysis prior to July 1, 2021, of  
12 the voting and donor patterns in Montgomery County’s 2014 and 2018 elections. The analysis  
13 shall review by census bloc the impact of Montgomery County’s small donor program on voting  
14 and donor patterns by race, gender, income level, and nationality. The analysis shall be used to  
15 inform recommendations from the Commission to the Prince George’s County Council and  
16 County Executive on the rules and regulations governing the program, for the 2022 election and  
17 beyond. The Commission may partner with a non-profit to complete the analysis. After the  
18 2022 election, the Commission shall also conduct a similar analysis for Prince George’s County.

19           SECTION 3. BE IT FURTHER ENACTED that the County web site includes a  
20 mechanism to accept donations to the Fair Election Fund. The mechanism shall be prominently  
21 located on each appropriate County web page.

22           SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
23 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
24 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
26 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
27 Act, since the same would have been enacted without the incorporation in this Act of any such  
28 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
29 or section.

1  
2

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dannielle M. Glaros  
Chairwoman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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.