

Expedited Bill No. 25-17
Concerning: Elections – Public Campaign
Financing - Amendments
Revised: June 26, 2017 Draft No. 1
Introduced: July 11, 2017
Enacted: July 25, 2017
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Navarro, Vice President Riemer and Councilmembers Katz and Elrich

AN EXPEDITED ACT to:

- (1) permit a candidate to correct a mistake in an application for certification within a certain time;
- (2) clarify that a candidate may receive a matching public contribution during the general election for certain unmatched qualifying contributions received during the primary election;
- (3) permit a candidate to use unspent funds returned to the County after an election as a credit against any repayment required for a public contribution mistakenly received; and
- (4) generally amend the law concerning public campaign financing for County elections.

By amending

Montgomery County Code
Chapter 16, Elections
Section 16-22 and 16-23

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 16-22 and 16-23 are amended as follows:**

2 **16-22. Board determination.**

3 (a) The Board must certify an applicant candidate if the Board finds that the
4 candidate has received the required number of qualifying contributions
5 and the required aggregate total dollars for the office no later than 10
6 business days after receiving:

7 (1) a declaration from the candidate agreeing to follow the regulations
8 governing the use of a public contribution;

9 (2) a campaign finance report that includes:
10 (A) a list of each qualifying contribution received;
11 (B) a list of each expenditure made by the candidate during the
12 qualifying period; and

13 (C) the receipt associated with each contribution and
14 expenditure; and

15 (3) a certificate of candidacy for a covered office.

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

17 (c) A candidate may submit only one application for certification for any
18 election. A candidate may correct any mistakes in the application for
19 certification within the earlier of:

20 (1) 10 business days after receiving notice that the Board denied the
21 application; or

22 (2) the end of the qualifying period.

23 (d) If the Board certifies a candidate, the Board must authorize the Director
24 to disburse a public contribution to the candidate's publicly funded
25 campaign account.

26 **16-23. Distribution of public contribution.**

27 * * *

28 (h) A participating candidate must submit a receipt for each qualifying
 29 contribution to the Board to receive a public contribution. The Director
 30 must deposit the appropriate public contribution into a participating
 31 candidate's publicly funded campaign account within 3 business days
 32 after the Board authorizes the public contribution.

33 (i) A candidate may receive a matching public contribution during the
 34 general election for an unmatched qualifying contribution received
 35 during the primary election after the candidate has received the maximum
 36 public contribution for the primary election if the candidate is otherwise
 37 eligible to receive matching public contributions during the general
 38 election.

39 (j) If the Director mistakenly distributes a public contribution to a candidate
 40 greater than the candidate was entitled to receive, the candidate must
 41 repay the funds mistakenly distributed within 5 business days after being
 42 notified of the mistake. Any unspent funds returned to the County after
 43 an election may be used as a credit against any repayment required for a
 44 public contribution mistakenly received.

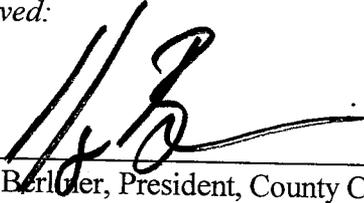
45 (k) *Consumer Price Index adjustment.* The Chief Administrative Officer
 46 must adjust the public contribution limits established in Subsection (a)(3)
 47 and the eligible contribution limit established in Subsection (c), effective
 48 July 1, 2018, and July 1 of each subsequent fourth year, by the annual
 49 average increase, if any, in the Consumer Price Index for the previous 4
 50 calendar years. The Chief Administrative Officer must calculate the
 51 adjustment to the nearest multiple of 10 dollars, and must publish the
 52 amount of this adjustment not later than March 1 of each fourth year.

53 **Sec. 2. Expedited Effective Date.**

54 The Council declares that this legislation is necessary for the immediate

55 protection of the public interest. This Act takes effect on the date on which it becomes
56 law.

Approved:



Roger Berlmer, President, County Council

7/26/17

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date