

**The Baltimore County
Fair Election Fund Commission
Regulations**

These regulations are adopted pursuant to Baltimore County Code, Article 3, Title VIII.

I. Purpose and Duties

The Baltimore County Fair Election Fund Commission (the “Commission”) is established by Article 3, Title 3, Subtitle 26 of the Baltimore County Code.

The members of the Commission are appointed pursuant to Baltimore County Code, §3-3-2602 (the “Baltimore County Fair Election Fund Commission”). The Commission shall calculate the amount necessary to fully fund the Fair Election Fund for the ensuing fiscal year, and shall recommend that the County Executive include said amount in the annual budget. The Commission ensures compliance with §§8-2-101 through 8-2-111.

II. Organization

- a. Each member of the Baltimore County Fair Election Fund Commission shall be a resident and registered voter of Baltimore County. The membership shall be reflective of the demographic, geographic and political diversity of the County.
- b. Of the members of the Commission:
 - i. One resident of each Councilmanic District shall be appointed by the County Executive on the recommendation of the County Council member representing that District and approved by the County Council; and
 - ii. Two members shall be appointed by the County Executive and approved by the County Council.
- c. A member may not be a candidate for public office in the current election cycle, a Chair or Treasurer of an open campaign account, an elected or appointed member of a local or State Central Committee of a political party, or a lobbyist registered with the County.
- d. The Commissioners' terms shall be four years.

III. Meetings

- a. The Commission shall meet at least once every 90 days during the 12 months preceding a primary election for County Executive and County Council, and at least twice each year outside of that window.

- b. The Commission shall annually select from among its membership a Chair and Vice Chair.
- c. A majority vote of the members where a quorum exists is sufficient for an official action of the Commission.
- d. The Commission may request for the Office of Budget and Finance to provide staff to support the Commission:
 - i. Working with the State Board of Elections to administer the fund; and
 - ii. Providing information about the system to candidates and the public.

IV. Guidelines

- a. The Commission shall adopt a Summary Guide and Frequently Asked Questions. These documents outline the procedures and protocols for a candidate to utilize the Baltimore County Fair Election Fund.
- b. The Commission will also utilize any guidelines promulgated by the State Board of Elections regarding the Baltimore County Fair Election Fund.

V. Withdrawal of a Candidate

- a. A participating candidate may withdraw from participation in the Baltimore County Fair Election Fund if the candidate files a statement of withdrawal with the State Board and the Commission in the form that the State Board requires.
- b. A participating candidate who withdraws under subsection (a) of this section:
 - i. Shall repay to the Fund the full amount of any public contribution received, plus interest accruing from the date of withdrawal at the same rate as the current bank prime loan rate as reported by the Board of Governors of the Federal Reserve System;
 - ii. Shall repay the Fund under Subsection (b)(1) of this section before repaying any personal loans to the candidate's campaign;
 - iii. Shall be personally liable for repayment if the funds remaining in the candidate's Citizen Funded Campaign Account at the time of withdrawal are insufficient to repay the Fund under Subsection (b)(1) of this section;
- c. The Commission may reduce any required repayment under Subsection (b)(1) of this section for a participating candidate who must withdraw for health reasons or other cause not within the candidate's control and may consider personal financial hardship.

VI. Distribution of Public Contribution

- a. The Director of Budget and Finance shall distribute a public contribution for an election only during:
 - i. The time beginning 365 days before the primary election for the office the candidate seeks and ending 15 days after the general election; or

- ii. The time that the county council sets by resolution for a special election.
- b. A certified candidate may continue to collect qualifying contributions and receive matching public contribution up to a primary or general election.
- c. The Director shall not disburse a public contribution to a certified candidate in an election in which the candidate is the sole individual who has filed a certificate of candidacy for that office.
 - i. To receive a public contribution, a participating candidate shall submit a receipt to the State Board for each qualifying contribution. Receipts are submitted according to the State reporting schedule for political committees, and a public finance committee may also file additional reports requesting public funds. The aforementioned Summary Guide provides a detailed explanation of how to do so in accordance with State requirements.
 - ii. The receipt shall identify the contributor's name and residential address.
 - iii. The Director shall disburse the appropriate public contribution to a participating candidate's Citizen Funded Campaign Account within five days after the State Board authorizes the public contribution.
- d. An individual contribution of less than \$5 shall not be considered when calculating the public contribution under this section.
 - i. For a certified candidate for County Executive, the public contribution shall equal:
 - 1. \$6 for each \$1 of a qualifying contribution received for the first \$50 of each qualifying contribution;
 - 2. \$4 for each \$1 of a qualifying contribution received for the second \$50 of each qualifying contribution;
 - 3. \$2 for each \$1 of a qualifying contribution received for the third \$50 of each qualifying contribution; and
 - 4. \$0 for each \$1 of a qualifying contribution received beyond the third \$50 of each qualifying contribution.
 - ii. For a certified candidate for County Council, the public contribution shall equal:
 - 1. \$4 for each \$1 of a qualifying contribution received for the first \$50 of each qualifying contribution;
 - 2. \$3 for each \$1 of a qualifying contribution received for the second \$50 of each qualifying contribution;
 - 3. \$2 for each \$1 of a qualifying contribution received for the third \$50 of each qualifying contribution; and
 - 4. \$0 for each \$1 of a qualifying contribution received beyond the third \$50 of each qualifying contribution.
 - iii. The total public contribution payable to a certified candidate for either a primary or general election, shall not exceed:
 - 1. \$750,000 for a candidate for County Executive; and
 - 2. \$80,000 for a candidate for County Council.

- iv. A certified candidate may collect contributions and receive the aforementioned amounts in both the primary and general election.
- v. Director shall reduce the public contribution to a participating candidate's Citizen Funded Campaign Account by the total amount of all expenditures made after the end of the previous election cycle from the candidate's non-participating campaign account.
- vi. The Director shall not distribute a public contribution based on a contribution under § 8-2-103(b)(2) of the Baltimore County Code or an in-kind contribution of property, goods or services.
- vii. If the Director determines that the total amount available for distribution in the Fund is insufficient to meet the allocations required by this section, the Director shall reduce each public contribution by the same percentage.
- viii. Within three business days after the County Board certifies the results of the primary election, the State Board shall authorize the Director to continue to distribute the appropriate public contribution for the general election to each participating candidate who is certified to be on the ballot for the general election.
- ix. The Director shall distribute a public contribution to a certified candidate nominated by petition or by a party that is not a principal party for the general election only if the candidate's nomination is certified by the County Board.
- e. A certified candidate for County Executive may not make expenditures for either a primary or general election of more than \$1,400,000 from their Citizen Funded Campaign Account.
- f. A certified candidate for County Council may not make expenditures for either a primary or general election of more than \$150,000 from their Citizen Funded Campaign Account.
- g. A certified candidate may receive a matching public contribution during the general election for an unmatched qualifying contribution received during the primary election after the candidate has received the maximum public contribution for the primary election if the candidate is otherwise eligible to receive matching public contributions during the general election.

VII. Applicants and Participating Candidate Restrictions

- a. An applicant candidate or participating candidate shall not accept:
 - i. A private contribution from any group or organization, including a Political Action Committee, a corporation, a labor organization, or a State or Local Central Committee of a political party.
 - ii. Private contributions from an individual in an aggregate amount greater than \$250 during an election cycle.
- b. An applicant candidate or participating candidate shall not:

- i. Pay for any campaign expense with any Campaign Finance Account other than the candidate's Citizen Funded Campaign Account after filing a notice of intent with the State Board to seek public financing.
- ii. Be a member of a slate in any election in which the candidate receives a public contribution.
- iii. Accept a loan from anyone other than the candidate or the candidate's spouse, parent, child who is at least 18 years old, or sibling.
- iv. Transfer money to the candidate's Citizen Funded Campaign Account from any other campaign finance entity, or from the candidate's Citizen Funded Campaign Account to any other campaign finance entity.
- v. Coordinate expenses except with other candidates who are participating in the Fair Election Fund program if the expenses are shared equally among the coordinating candidates.

VIII. Violations of the Fair Election Fund/ Baltimore County Code

- a. A violation of this Title is a civil violation under § 1-2-217 of the County Code and subject to the fine set forth in § 1-2-217(b)(1).
- b. Upon any violation by a candidate, the Commission shall take appropriate action, which may include repayment of any funds by the candidate's campaign or individually, a referral to the Office of Law, and/or referral to the Attorney General.
- c. The candidate or officer found to be responsible for the violation shall be personally responsible for the fine.