

**The Howard County
Citizens' Election Fund Commission
Rules of Procedure**

Adopted January 14, 2021^[ZD1]

These rules are adopted pursuant to the authority of the Howard County Code, Title II "Administrative Procedures," Subtitle I "Administrative Procedures Act."

I. Purpose and Duties

The Citizens' Election Fund Commission (the "Commission") is established by section 907 of the Howard County Charter. The members of the Commission are appointed pursuant to Howard County Code, Subtitle 3, section 10.300-10.311 (the "Citizens' Election Fund System"). The Commission shall calculate the amount estimated for the full election cycle and shall recommend that the County Executive include said amount in the budget for the ensuing fiscal year to fully fund the Citizens' Election Fund System. The Commission shall administer Subtitle 3, Section 10.300 – 10.311 of the Code.

II. Organization

- a. The Commission shall consist of seven (7) members. Each member of the County Council shall nominate one member of the Commission. The County Executive shall nominate two members of the Commission. Each nominee shall be confirmed by a separate Resolution of the County Council.
- b. Each Commission member shall be a resident of Howard County, shall be a registered voter, shall not be a candidate for public office during the previous, current, or next election cycle, shall not be a lobbyist registered with the County, shall not be the chair or treasurer for an open campaign account.
- c. Each Commission member shall serve for a term of four (4) years, with the exception that the initial members of the Commission shall serve a term of six (6) years.
- d. A vacancy shall be filled in the same manner as the original appointment and for the unexpired term.
- e. The Commission shall elect a Chairperson and Vice Chairperson to serve for a term of two (2) years each at its regularly scheduled meeting in the month of June in every other -year beginning June ~~2019~~2020. The Chairperson shall present meeting agendas; preside over all meetings of the Commission; call special meetings; call the Commission into executive sessions; interpret Roberts Rules of Order as they apply to the conduct of this Commission upon the advice of the Legal Advisor to the Commission, when requested; and in general preside over the proper conduct and decorum of the Commission while the Commission is in session. The Vice

Chairperson shall have all of the powers and responsibilities of the Chairperson, in his or her absence.

- f. All votes of order of the Commission shall be conducted in accordance with Robert's Rules of Order, newly revised.
- g. Unless excused by resolution of the Commission, whenever a member of the Commission has accumulated three consecutive absences from regular public meetings, the Chairperson must notify the County Executive and applicable Councilmembers that the position is deemed vacant and that procedures for filling the vacancy be instituted with all due haste.
- h. The Director of the Howard County Department of Finance (the "Director") or the Director's Designee shall provide support to the Commission by working with the State Board of Elections to administer the Citizens' Election Fund system and provide information about the system to the public and candidates. The Director's Designee shall notify all Commissioners of all meetings; post notice of all public meetings of the Commission; insert the necessary advertisements in the appropriate newspapers if and when needed; maintain the website for the Commission; maintain a complete record of all public meetings of the Commission; and perform other administrative support tasks as requested by the Commission.
- i. The Legal Advisor shall be the County Solicitor or other member of the Office of Law, as designated by the County Solicitor, and may attend and participate in the meetings of the Commission. The Legal Advisor shall provide advice and assistance to the Commission when requested by any member of the Commission or by the Director or the Director's Designee.

III. Meetings

- a. The Commission shall meet at least once every 90 days during the 12 months preceding a primary election; and at least twice a year otherwise.
- b. The meeting shall be in a place or forum, including a virtual forum, designated by the Commission and notice of all meetings shall be announced at least two (2) weeks in advance, whenever practicable. The agenda for each meeting shall be posted at least three (3) days before the scheduled meeting as practicable, but no later than twenty-four (24) hours before the meeting.
- c. Unless otherwise provided by law, a quorum of the Commission shall be present to conduct a regular or special meeting. Five (5) members shall constitute a quorum, whether in person or by electronic or telephonic means, and the vote of the majority present shall be necessary for a decision of the Commission.
- d. The Commission shall maintain an official record of all meetings and prepare and maintain minutes as required by the Maryland Open Meetings Act. Closed session minutes will also be prepared in compliance with the Open Meetings Act. The

Director or the Director's Designee shall provide the minutes to the Commission for adoption.

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 Citizens' Election Fund System.
- b. The Commission will also utilize any guidelines promulgated by the State Board of Elections regarding the Citizens' Election Fund system.

V. Amendments

- a. The Rules of Procedures, the Summary Guide, and the Frequently Asked Questions may be amended by a vote of two-thirds (2/3) of the entire Commission.
- b. Any such amendments to the Rules of Procedure shall be considered at a public meeting. The Commission shall advertise the date, time, and place of the initial meeting at least thirty (30) days before the meeting in at least two newspapers of general circulation in Howard County pursuant to the Administrative Procedures Act. The amendments shall be available for public review at the Department of Finance and/or online on the Commission's webpage for at least thirty (30) days prior to the meeting.

VI. Additional Provisions for Candidates & Potential Candidates

- a. A candidate that submits a notice of intent under Howard County Code Section 10.302, but fails to qualify as a certified candidate, is not bound by the requirements of the public campaign finance program.
- b. A participating candidate shall not be a member of a slate as defined under Section 1-101 of the Election Law Article of the Annotated Code of Maryland. A participating candidate may coordinate expenses with other participating candidates if the expenses are shared equally among the coordinating candidates. This does not prohibit a candidate from appearing on material that is paid for by an independent entity or on a sample ballot as defined under Section 1-101 of the Election Law Article of the Annotated Code of Maryland

VII. Withdrawal of a Candidate

- a. If a candidate withdraws from participation, the candidate must file a statement with the Commission and the State Board of Elections, in a form required by the State Board of Elections, which terminates his/her candidacy from the election completely or withdrawals prior to receiving any public contribution.
- b. Any candidate who files a statement to withdrawal, must repay 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, within ten (10) business days from the filing of such statement.

- c. If the funds remaining in the candidate's Citizen Funded Campaign account at the time of withdrawal are insufficient to repay the fund, the candidate shall be personally liable for repayment.
- d. A candidate who withdrawals as a result of health reasons or other causes not within the candidate's control, may include with the required withdrawal statement, a request to the Commission to reduce any payment owed. Such request must outline the reasons for the withdrawal and outline how repayment of the full amount due to the Fund would cause a personal financial hardship. The Commission will consider the request and provide the candidate with a written response as soon as practicable.

VIII. Allegations of Impermissible Actions

- a. A complaint alleging an impermissible receipt or use of funds by a participating candidate shall be filed with the Commission.
- b. Any complaint shall be in writing under oath, presented to the Commission, alleging a violation of the Howard County Citizens' Election Fund law.
- c. The Commission shall notify the candidate within 10 business days that a complaint was filed and may require that the candidate provide the Commission with reasonable access to the financial records of the candidate's Citizen Funded Campaign.
- d. In compliance with and subject to the Open Meetings Act, the Commission shall meet in closed session either at the next scheduled commission meeting or a special session if necessary; to consider any Complaint. The person whose conduct is the subject of the complaint may appear at the Commission meeting considering the request and be represented by legal counsel in connection with the appearance. The Commission may also request the attendance of the complainant or of any other person who can provide information relevant to its determination.
- e. Should the Commission determine that there has been an impermissible receipt or use of funds by a participating candidate, the Commission shall notify the candidate in writing of such finding. 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.

IX. Violations of the Citizens Election Fund System / Howard County Code

- a. Any violation of the Citizens' Election Fund System is a Class A violation under Title 24 of the Howard County Code.
- 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. Any fine assessed by the Commission may be paid by the candidate's campaign only if all public contributions have been repaid to the fund. Otherwise, the

candidate or officer found to be responsible for the violation will be personally liable for any fine assessed.