



**Committee:** GO  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #CampaignFinance

AGENDA ITEM #8B  
November 16, 0221  
**Introduction**

## SUBJECT

Bill 45-21, Elections – Public Campaign Financing – Restrictions

Lead Sponsors: Councilmembers Glass, Katz, and Riemer, and Council Vice-President Alborno

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

## DESCRIPTION/ISSUE

Council Bill 45-21 would amend the County's public campaign finance law to permit certain limited in-kind donations (equivalent to \$10,000 or less) from state or County central committees to publicly financed candidates. The underlying purpose of the bill is to permit the central committees to display or distribute the literature of publicly financed candidates under certain conditions.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

## **This report contains:**

Staff Report  
Bill 45-21  
LRR

Pages 1-2  
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**MEMORANDUM**

November 10, 2021

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Expedited Bill 45-21, Elections – Public Campaign Financing – Restrictions

PURPOSE: Introduction – no Council votes required

Expedited Bill 45-21, Elections – Public Campaign Financing – Restrictions, sponsored by Lead Sponsors Councilmembers Glass, Katz, and Riemer, and Council Vice-President Albornoz is scheduled to be introduced on November 16, 2021. A public hearing is tentatively scheduled for December 7, 2021 at 1:30 p.m.<sup>1</sup>

Expedited Bill 45-21 would amend the County’s public campaign finance law to permit certain limited in-kind donations (equivalent to \$10,000 or less) from state or County central committees to publicly financed candidates.

**PURPOSE**

The underlying purpose of the bill is to permit the central committees to display or distribute the literature of publicly financed candidates under certain conditions. Currently, the central committees are precluded from displaying or distributing literature for publicly financed candidates.

**BILL DESCRIPTION**

Under current County law, a publicly financed candidate must not accept 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. (County Code, Section 16-26).

Expedited Bill 45-21 would carve out an exception to this prohibition for “an in-kind contribution equal to or less than \$10,000 from a State or a Montgomery County central committee of a political party.” By creating this exception, a central committee would be permitted to display or distribute a publicly financed candidate’s literature – or otherwise make a limited in-kind contribution to a publicly financed candidate as long as the contribution does not exceed \$10,000

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<sup>1</sup>#CampaignFinance

in value. The bill also would prevent publicly financed candidates from fundraising for central committees.

State law generally authorizes the County to create a public campaign finance system, and to set eligibility and parameters of the program within certain limitations. *See* Md. Code Ann., Election Law Article Section 13-505. Expedited Bill 45-21 would be consistent with the limitations set forth in state law.

This packet contains:

Bill 45-21  
LRR

Circle #

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Expedited Bill No. 45-21  
Concerning: Elections – Public  
Campaign Financing - Restrictions  
Revised: 10/21/2021 Draft No. 2  
Introduced: \_\_\_\_\_  
Expires: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass, Katz, and Riemer, and Council Vice-President Albornoz

**AN EXPEDITED ACT** to:

- (1) permit applicant candidates and participating candidates to accept certain in-kind contributions from a state or County central committee of a political party; and
- (2) generally amend campaign finance law.

By mending

Montgomery County Code  
Chapter 16, Elections  
Section 16-26

<b>Boldface</b>	<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. Section 16-26 is amended as follows:**

2   **16-26. Applicant and participating candidate restrictions.**

3           An applicant candidate or a participating candidate must not:

- 4           (a)    accept a private contribution from any group or organization, including  
5                   a political action committee, a corporation, a labor organization, or a  
6                   State or local central committee of a political party, except that an  
7                   applicant candidate or a participating candidate may accept an in-kind  
8                   contribution equal to or less than \$10,000 from a State or a Montgomery  
9                   County central committee of a political party;
- 10          (b)    accept private contributions from an individual in an aggregate greater  
11                   than \$150 during a 4-year election cycle, or the maximum amount of an  
12                   eligible contribution, as adjusted by Section 16-23(i);
- 13          (c)    pay for any campaign expense after filing a notice of intent with the  
14                   Board to seek public funding with any campaign finance account other  
15                   than the candidate's publicly funded campaign account;
- 16          (d)    be a member of a slate in any election in which the candidate receives a  
17                   public contribution;
- 18          (e)    accept a loan from anyone other than the candidate or the candidate's  
19                   spouse; [or]
- 20          (f)    solicit funds for a State or a Montgomery County central committee of a  
21                   political party; or
- 22          (g)    transfer funds:
- 23                   (1)   to the candidate's publicly funded campaign account from any  
24                            other campaign finance entity established for the candidate; and
- 25                   (2)   from the candidate's publicly funded campaign account to any  
26                            other campaign finance entity.

27           **Sec. 2. Expedited Effective Date.** The Council declares that this legislation  
28 is necessary for the immediate protection of the public interest. This Act takes effect  
29 on the date on which it becomes law.

## LEGISLATIVE REQUEST REPORT

Bill 45-21

*Elections – Public Campaign Financing – Restrictions*

<b>DESCRIPTION:</b>	Bill 45-21 would amend the County's public campaign finance law to permit certain limited in-kind donations (equivalent to \$10,000 or less) from state or County central committees to publicly financed candidates.
<b>PROBLEM:</b>	Central committees are not permitted to display or distribute campaign literature for publicly financed candidates.
<b>GOALS AND OBJECTIVES:</b>	Permit limited, in-kind donations from central committees to publicly financed candidates.
<b>COORDINATION:</b>	
<b>FISCAL IMPACT:</b>	OMB
<b>ECONOMIC IMPACT:</b>	Office of Legislative Oversight (OLO)
<b>EVALUATION:</b>	To be done.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Christine Wellons, Legislative Attorney
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	N/A
<b>PENALTIES:</b>	N/A

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