

HOUSE BILL 1093

G1

3lr1066

By: **Howard County Delegation**

Introduced and read first time: February 10, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Board of Education – Terms and Public Campaign Financing**

3 **Ho. Co. 14–23**

4 FOR the purpose of altering the terms of the members of the Howard County Board of
5 Education; authorizing the governing body of Howard County to establish a system
6 of public campaign financing for members of the county board of education; and
7 generally relating to public campaign financing.

8 BY repealing and reenacting, without amendments,
9 Article – Education
10 Section 3–701(a), (c), and (d)(1)
11 Annotated Code of Maryland
12 (2022 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 3–701(d)(2)
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 13–505
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2022 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3-701.

(a) (1) The Howard County Board consists of:

(i) Seven elected members; and

(ii) One student member.

(2) The seven elected members shall be elected as follows:

(i) One member from each of the five councilmanic districts in the county, elected by the voters of that district; and

(ii) Two members at large, elected by the voters of the county.

(c) The seven elected members of the Howard County Board shall be elected:

(1) Beginning in 2020, at the general election every 2 years as required by subsection (d) of this section; and

(2) As specified in subsection (a) of this section.

(d) (1) (i) The terms of the elected members are staggered as provided in this subsection.

(ii) Each term of office begins on the first Monday in December after the election of a member and until a successor is elected and qualifies.

(2) (i) 1. The [term] **TERMS** of office of [each member elected from a] **THE MEMBERS ELECTED FROM A COUNCILMANIC DISTRICT AT THE 2024 ELECTION ARE:**

A. FOR THE TWO ELECTED MEMBERS WHO RECEIVE THE HIGHEST PERCENTAGE OF VOTES, 6 YEARS; AND

B. FOR THE THREE ELECTED MEMBERS WHO RECEIVE THE LOWEST PERCENTAGE OF VOTES, 4 YEARS.

2. The [term] **TERMS** of office of [each member] **THE TWO MEMBERS** elected at large[, beginning] at the [2022] **2026** election[, is 4 years] **ARE:**

A. FOR THE INDIVIDUAL WHO RECEIVES THE HIGHEST NUMBER OF VOTES, 6 YEARS; AND

B. FOR THE INDIVIDUAL WHO RECEIVES THE SECOND HIGHEST NUMBER OF VOTES, 4 YEARS.

(ii) The successors to [the]:

1. THE offices OF THE THREE MEMBERS elected at the [2020 and 2022 elections, respectively, shall serve for a term of 4 years] 2024 ELECTION WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES SHALL BE ELECTED AT THE 2028 ELECTION AND EVERY 4 YEARS THEREAFTER AND SHALL SERVE FOR A TERM OF 4 YEARS;

2. THE OFFICES OF THE TWO MEMBERS ELECTED AT THE 2024 ELECTION WHO RECEIVED THE HIGHEST PERCENTAGE OF VOTES SHALL BE ELECTED AT THE 2030 ELECTION AND EVERY 4 YEARS THEREAFTER AND SHALL SERVE FOR A TERM OF 4 YEARS;

3. THE OFFICE OF THE MEMBER ELECTED AT LARGE AT THE 2026 ELECTION WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THAT ELECTION SHALL BE ELECTED AT THE 2032 ELECTION AND EVERY 4 YEARS THEREAFTER AND SHALL SERVE A TERM OF 4 YEARS; AND

4. THE OFFICE OF THE MEMBER ELECTED AT LARGE AT THE 2026 ELECTION WHO RECEIVED THE SECOND HIGHEST NUMBER OF VOTES IN THAT ELECTION SHALL BE ELECTED AT THE 2030 ELECTION AND EVERY 4 YEARS THEREAFTER AND SHALL SERVE A TERM OF 4 YEARS.

(3) IN THE EVENT OF A TIE BETWEEN ELECTED MEMBERS UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE LOCAL BOARD OF ELECTIONS SHALL ADMINISTER A RANDOM DRAWING TO DETERMINE THE TERM OF OFFICE FOR EACH ELECTED MEMBER INVOLVED IN THE TIE.

Article – Election Law

13–505.

(a) In this section, “contested election committee” means a contested election committee established under Title 12, Subtitle 3 of this article.

(b) (1) **(I)** Subject to the provisions of this section, the governing body of a county may establish, by law, a system of public campaign financing for elective offices in the executive or legislative branches of county government.

(II) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING BODY OF HOWARD COUNTY MAY ESTABLISH, BY LAW, A SYSTEM OF

1 **PUBLIC CAMPAIGN FINANCING FOR MEMBERS OF THE COUNTY BOARD OF**
2 **EDUCATION.**

3 (2) A system of public financing established under paragraph (1) of this
4 subsection may include public financing of a contested election committee.

5 (3) When establishing a system of public campaign financing for [elective
6 offices in the executive or legislative branches of county government] **AN OFFICE UNDER**
7 **PARAGRAPH (1) OF THIS SUBSECTION**, the governing body of a county shall:

8 (i) specify the criteria that are to be used to determine whether an
9 individual is eligible for public campaign financing; and

10 (ii) provide the funding and staff necessary for the operation,
11 administration, and auditing of the system of public campaign financing.

12 (c) A system of public campaign financing enacted under subsection (b) of this
13 section:

14 (1) shall provide for participation of candidates in public campaign
15 financing on a strictly voluntary basis;

16 (2) may not regulate candidates who choose not to participate in public
17 campaign financing;

18 (3) shall prohibit the use of public campaign financing for any campaign
19 except a campaign for [county] **LOCAL** elective office;

20 (4) shall require a candidate who accepts public campaign financing to:

21 (i) establish a campaign finance entity solely for the campaign for
22 [county] **LOCAL** elective office; and

23 (ii) use funds from that campaign finance entity only for the
24 campaign for [county] **LOCAL** elective office;

25 (5) shall prohibit a candidate who accepts public campaign financing from
26 transferring funds:

27 (i) to the campaign finance entity established to finance the
28 campaign for [county] **LOCAL** elective office from any other campaign finance entity
29 established for the candidate; and

30 (ii) from the campaign finance entity established to finance the
31 campaign for [county] **LOCAL** elective office to any other campaign finance entity;

(6) shall provide for a public election fund for [county] LOCAL elective offices that is administered by the chief financial officer of the county; and

(7) shall be subject to regulation and oversight by the State Board to ensure conformity with State law and policy to the extent practicable.

(d) A system of public campaign financing enacted under subsection (b) of this section may:

(1) provide for more stringent regulation of campaign finance activity by candidates who choose to accept public campaign financing, including contributions, expenditures, reporting, and campaign material, than is provided for by State law;

(2) provide for administrative penalties for violations, in accordance with § 10–202 of the Local Government Article; and

(3) allow a publicly financed candidate to transfer any amount of funds from the candidate's campaign finance entity to the candidate's contested election committee.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The terms of the members of the Howard County Board of Education elected from councilmanic districts in office on the effective date of this Act shall expire on December 2, 2024.

(b) The terms of the members of the Howard County Board of Education elected by the voters of the county at large in office on the effective date of this Act shall expire on December 7, 2026.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The governing body of Howard County may not implement a system of public campaign financing under § 13–505 of the Election Law Article as enacted by this Act for any offices of the county board of education to be filled at the 2024 election.

(b) Beginning with the 2026 election, the governing body of Howard County may implement a system of public campaign financing under § 13–505 of the Election Law Article as enacted by this Act for all offices of the county board of education.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.