

HOUSE BILL 1251

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By: **Delegates Cardin, Ali, Anderson, Barkley, Benson, Bobo, Carr, Feldman, Gaines, Glenn, Gutierrez, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Manno, McIntosh, Mizeur, Montgomery, Niemann, Pendergrass, Proctor, Reznik, Rosenberg, Schuler, Valderrama, and Waldstreicher**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance Reform Act of 2010**

3 FOR the purpose of repealing the Public Financing Act for gubernatorial candidates;
4 altering certain limits on certain contributions and transfers; providing that
5 contributions shall be considered as being made by one contributor if the
6 contributions are by a sole proprietor, regardless of the number of sole
7 proprietorships owned by that individual; authorizing the governing body of a
8 county to enact laws to regulate public campaign finance activity for certain
9 county elective offices and certain candidates for election to those offices;
10 specifying certain provisions and limitations applicable to any county laws
11 enacted to regulate public campaign finance activity; establishing a system of
12 public financing of campaigns for certain General Assembly candidates;
13 requiring the State Board of Elections to administer the system of public
14 financing for General Assembly candidates; specifying certain powers and
15 duties of the State Board; creating the Public Election Fund and providing for
16 the inclusion of certain money in the Fund; transferring the money in the Fair
17 Campaign Financing Fund for gubernatorial candidates to the Public Election
18 Fund; defining certain terms; specifying certain procedures, requirements, and
19 conditions participating candidates must meet to receive a distribution from the
20 Public Election Fund; requiring that participating candidates adhere to certain
21 campaign expenditure limits; authorizing participating candidates to receive
22 certain supplemental distributions from the Public Election Fund; requiring the
23 Comptroller to perform certain duties in connection with the establishment,
24 maintenance, and administration of the Public Election Fund; prohibiting a
25 participating candidate from being a member of a slate; prohibiting a
26 participating candidate from accepting a contribution from a political party;
27 requiring a participating candidate who opts out of public financing to repay the
28 full amount of the public contribution received by the candidate and pay a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain penalty; providing for judicial review of certain actions by the State
 2 Board, subject to a certain exception; providing for certain penalties; providing
 3 that certain captions are not law and may not be considered to have been
 4 enacted as part of this Act; requiring the State Board to adopt certain
 5 regulations; making provisions of this Act severable; creating a Commission to
 6 Study Public Financing of Elections in Maryland; providing for the membership,
 7 duties, and staffing of the Commission; requiring the Commission to report its
 8 findings and recommendations to the Governor and the General Assembly on or
 9 before a certain date; requiring the State Board to provide certain reports to
 10 certain persons on or before certain dates on certain matters; providing for
 11 delayed effective dates for certain provisions of this Act; providing for the
 12 termination of certain provisions of this Act; and generally relating to the
 13 Campaign Finance Reform Act of 2010.

14 BY repealing

15 Article – Election Law
 16 Section 15–101 through 15–111 and the title “Title 15. Public Financing Act”
 17 Annotated Code of Maryland
 18 (2003 Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Election Law
 21 Section 13–226, 13–227, and 13–235
 22 Annotated Code of Maryland
 23 (2003 Volume and 2009 Supplement)

24 BY adding to

25 Article – Election Law
 26 Section 13–502.1; and 15–101 through 15–117 to be under the new title “Title
 27 15. Public Campaign Financing Act for General Assembly Candidates”
 28 Annotated Code of Maryland
 29 (2003 Volume and 2009 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 31 MARYLAND, That Section(s) 15–101 through 15–111 and the title “Title 15. Public
 32 Financing Act” of Article – Election Law of the Annotated Code of Maryland be
 33 repealed.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 35 read as follows:

36 **Article – Election Law**

37 13–226.

38 (a) The limits on contributions in this section do not apply to:

39 (1) a contribution to a ballot issue committee; or

1 (2) those contributions defined as transfers.

2 (b) Subject to subsection (c) of this section, a person may not, either directly
3 or indirectly, in an election cycle make:

4 (1) aggregate contributions in excess of:

5 (i) ~~[\$4,000]~~ **\$4,400** to any one campaign finance entity; or

6 (ii) ~~[\$10,000]~~ **\$15,000** to all campaign finance entities; or

7 (2) a contribution of money in excess of \$100 except by check or credit
8 card.

9 (c) (1) Notwithstanding subsection (b) of this section, a central committee
10 of a political party may make aggregate in-kind contributions during an election cycle
11 that are not in excess of:

12 (i) for a State central committee, \$1 for every two registered
13 voters in the State; and

14 (ii) for a local central committee, \$1 for every two registered
15 voters in the county.

16 (2) For the purposes of paragraph (1) of this subsection, the number of
17 registered voters is determined, regardless of party affiliation, as of the first day of the
18 election cycle.

19 (d) The limit on contributions to the campaign finance entity of a candidate
20 applies regardless of the number of offices sought by the candidate or campaign
21 finance entities formed to support the candidate.

22 (e) Contributions **SHALL BE CONSIDERED AS BEING MADE BY ONE**
23 **CONTRIBUTOR IF THE CONTRIBUTIONS ARE MADE:**

24 **(1)** by a corporation and any wholly-owned subsidiary of the
25 corporation, or by two or more corporations owned by the same stockholders[, shall be
26 considered as being made by one contributor]; **OR**

27 **(2)** **BY A SOLE PROPRIETOR, REGARDLESS OF THE NUMBER OF**
28 **SOLE PROPRIETORSHIPS OWNED BY THAT INDIVIDUAL.**

29 13-227.

30 (a) In this section, a “campaign finance entity” includes a nonfederal
31 out-of-state political committee.

1 (b) The limit on transfers set forth in subsection (c) of this section does not
2 apply to a transfer:

3 (1) by a campaign finance entity to a ballot issue committee;

4 (2) between or among:

5 (i) political committees that are State or local central
6 committees of the same political party;

7 (ii) a slate and the campaign finance entities of its members;
8 and

9 (iii) the campaign finance entities of a candidate.

10 (c) During an election cycle, a campaign finance entity may not directly or
11 indirectly make transfers in a cumulative amount of more than ~~[\$6,000]~~ **\$6,600** to
12 any one other campaign finance entity.

13 (d) (1) All affiliated campaign finance entities are treated as a single
14 entity in determining:

15 (i) the amount of transfers made by a campaign finance entity;
16 and

17 (ii) the amount of transfers received by a campaign finance
18 entity.

19 (2) Campaign finance entities are deemed to be affiliated if they:

20 (i) are organized and operated in coordination and cooperation
21 with each other; or

22 (ii) otherwise conduct their operations and make their decisions
23 relating to transfers and other contributions under the control of the same individual
24 or entity.

25 (e) The limit on transfers to the campaign finance entities of a candidate
26 prescribed in subsection (c) of this section applies regardless of the number of offices
27 sought by the candidate.

28 13–235.

29 (a) This section applies to the following officials:

30 (1) the Governor;

- 1 (2) the Lieutenant Governor;
- 2 (3) the Attorney General;
- 3 (4) the Comptroller; and
- 4 (5) a member of the General Assembly.

5 (b) Except as provided in subsection (c) or (d) of this section, during a regular
6 session of the General Assembly an official described in subsection (a) of this section,
7 or a person acting on behalf of the official, may not, as to a candidate for federal, State,
8 or local office, or a campaign finance entity of the candidate or any other campaign
9 finance entity organized under this title and operated in coordination with a
10 candidate:

- 11 (1) receive a contribution;
- 12 (2) conduct a fund-raising event;
- 13 (3) solicit or sell a ticket to a fund-raising event; or
- 14 (4) deposit or use any contribution of money that was not deposited
15 prior to the session.

16 (c) An official described in subsection (a) of this section, or a person acting on
17 behalf of the official, is not subject to this section when engaged in activities solely
18 related to the official's election to an elective federal or local office for which the official
19 is a filed candidate.

20 (d) [Under the Public Financing Act, a gubernatorial ticket, during the year
21 of the election only, may accept eligible private contributions and any disbursement of
22 funds by the State Board that is based on the eligible private contributions] **UNDER
23 THE PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY
24 CANDIDATES, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE
25 ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND
26 ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT IS BASED ON THE
27 QUALIFYING CONTRIBUTIONS.**

28 (e) (1) As to a violation of this section, the campaign finance entity of the
29 official in violation is liable for a civil penalty as provided in this subsection.

30 (2) The State Board, represented by the State Prosecutor, may
31 institute a civil action in the circuit court for any county seeking the civil penalty
32 provided in this subsection.

1 (3) A campaign finance entity that receives a contribution as a result
2 of the violation shall:

3 (i) refund the contribution to the contributor; and

4 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
5 amount of the contribution.

6 **13-502.1. REGULATION OF LOCAL CAMPAIGN FINANCE ACTIVITY.**

7 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING**
8 **BODY OF A COUNTY MAY ENACT LAWS TO REGULATE PUBLIC CAMPAIGN**
9 **FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES AND CANDIDATES FOR**
10 **ELECTION TO THOSE OFFICES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN**
11 **FINANCING.**

12 **(B) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT**
13 **REGULATE COUNTY ELECTIVE OFFICES OR CANDIDATES FOR ELECTION TO**
14 **THOSE OFFICES WHO DO NOT RECEIVE ANY PUBLIC CAMPAIGN FINANCING.**

15 **(C) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

16 **(1) PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING FOR**
17 **ANY ELECTION OTHER THAN THAT OF A COUNTY ELECTIVE OFFICE;**

18 **(2) REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN**
19 **FINANCING TO:**

20 **(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR**
21 **THE CAMPAIGN FOR THAT COUNTY ELECTIVE OFFICE; AND**

22 **(II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY**
23 **ONLY FOR THAT CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND**

24 **(3) PROHIBIT THE TRANSFER OF FUNDS INTO THE CAMPAIGN**
25 **FINANCE ENTITY ESTABLISHED FOR THE COUNTY ELECTIVE OFFICE BY A**
26 **CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING FROM ANY OTHER**
27 **CAMPAIGN FINANCE ENTITY PREVIOUSLY ESTABLISHED FOR THAT CANDIDATE.**

28 **(D) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

29 **(1) PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY**
30 **ELECTIVE OFFICES ADMINISTERED BY THE CHIEF FINANCIAL OFFICER OF THE**
31 **COUNTY; AND**

1 **(2) REQUIRE THAT THE SYSTEM FOR PUBLIC CAMPAIGN FINANCE**
2 **ACTIVITY FOR COUNTY ELECTIVE OFFICES BE REGULATED IN ACCORDANCE**
3 **WITH STATE LAW BY THE STATE BOARD OF ELECTIONS.**

4 **(E) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:**

5 **(1) ESTABLISH A SYSTEM OF PUBLIC CAMPAIGN FINANCING; AND**

6 **(2) INCLUDE PROVISIONS RELATING TO CONTRIBUTIONS,**
7 **EXPENDITURES, REPORTING, CAMPAIGN MATERIAL, AND, AS PROVIDED UNDER**
8 **ARTICLE 25A, § 5 OF THE CODE, ADMINISTRATIVE PENALTIES.**

9 **(F) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION:**

10 **(1) MAY BE MORE STRINGENT THAN ANY APPLICABLE LAW OF**
11 **THE STATE AND MODIFIED TO THE EXTENT NECESSARY TO MAKE THE**
12 **PROVISIONS RELEVANT TO THE COUNTY; BUT**

13 **(2) MAY NOT CONFLICT WITH ANY APPLICABLE LAW OF THE**
14 **STATE OR THE UNITED STATES.**

15 **TITLE 15. PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY**
16 **CANDIDATES.**

17 **15-101. DEFINITIONS.**

18 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED UNLESS OTHERWISE PROVIDED.**

20 **(B) “COMPTROLLER” MEANS THE STATE COMPTROLLER OF THE**
21 **TREASURY.**

22 **(C) “FUND” MEANS THE PUBLIC ELECTION FUND.**

23 **(D) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE FOR ELECTION**
24 **AS A MEMBER OF THE GENERAL ASSEMBLY WHO IS DETERMINED BY THE STATE**
25 **BOARD AS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.**

26 **(E) “PUBLIC CONTRIBUTION” MEANS A SUM DISBURSED FROM THE**
27 **FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS**
28 **OF THIS TITLE.**

29 **(F) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION THAT:**

1 (1) IS FROM A REGISTERED VOTER WHO RESIDES IN THE
2 LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE FOR ELECTION TO
3 THE GENERAL ASSEMBLY; AND

4 (2) IS AT LEAST \$5.

5 (G) "SEED MONEY" MEANS A SUM OF LAWFUL CONTRIBUTIONS THAT:

6 (1) ARE RAISED BY A CANDIDATE FOR ELECTION TO THE
7 GENERAL ASSEMBLY AS A FIRST STEP TO SEEK QUALIFICATION FOR PUBLIC
8 FINANCING UNDER THIS TITLE;

9 (2) INCLUDE NO CONTRIBUTION OF MORE THAN \$250 FOR EACH
10 DONOR; AND

11 (3) ARE RECEIVED NO EARLIER THAN THE COMMENCEMENT OF
12 THE ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL
13 PROPOSES TO BE A CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY
14 PRECEDING THE PRIMARY ELECTION FOR THAT OFFICE.

15 **15-102. DUTIES.**

16 (A) THE STATE BOARD SHALL MANAGE AND SUPERVISE THE SYSTEM OF
17 PUBLIC FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

18 (B) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO
19 EFFECT THE PURPOSES OF THIS TITLE.

20 (C) THE STATE BOARD SHALL:

21 (1) ENSURE THAT THAT SYSTEM OF PUBLIC FINANCING:

22 (I) ACCOMMODATES QUALIFYING CANDIDATES ON A
23 FIRST-COME, FIRST-SERVED BASIS;

24 (II) ESTABLISHES AN INITIAL LIMIT ON THE NUMBER OF
25 PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

26 (III) ALLOWS FOR AN INCREASE OR DECREASE IN THE
27 NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN
28 CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

1 **(2) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO**
2 **THE PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION**
3 **NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:**

4 **(I) CONTRIBUTIONS TO AND EXPENDITURES BY**
5 **PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED**
6 **CAMPAIGN FINANCE ENTITIES; AND**

7 **(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE**
8 **DISBURSED TO PARTICIPATING CANDIDATES;**

9 **(3) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY**
10 **TO ENSURE COMPLIANCE WITH THIS TITLE;**

11 **(4) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES**
12 **INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM**
13 **CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS**
14 **TITLE; AND**

15 **(5) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY,**
16 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AFTER**
17 **EACH ELECTION CYCLE THAT INCLUDES:**

18 **(I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON**
19 **PARTICIPATING CANDIDATES;**

20 **(II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;**

21 **(III) A DETAILED SUMMARY REGARDING QUALIFYING**
22 **CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY**
23 **PARTICIPATING CANDIDATES;**

24 **(IV) EXPENDITURES MADE BY PARTICIPATING AND**
25 **NONPARTICIPATING CANDIDATES; AND**

26 **(V) ANY OTHER INFORMATION THE STATE BOARD**
27 **DETERMINES TO BE APPROPRIATE.**

28 **15-103. DISCRETIONARY POWERS.**

29 **THE STATE BOARD MAY:**

30 **(1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO**
31 **PERFORM ITS FUNCTIONS UNDER THIS TITLE;**

1 **(2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;**

2 **(3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR**
3 **ELECTION TO A LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;**

4 **(4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN**
5 **FINANCE ENTITY, OR THE PUBLIC, RENDER A WRITTEN PUBLIC ADVISORY**
6 **OPINION REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;**

7 **(5) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES**
8 **TO ENSURE COMPLIANCE WITH THIS TITLE;**

9 **(6) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN**
10 **FINANCE ENTITY SUBJECT TO THIS ARTICLE;**

11 **(7) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH**
12 **THIS TITLE;**

13 **(8) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR**
14 **CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND**

15 **(9) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:**

16 **(I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A**
17 **VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;**

18 **(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**
19 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**
20 **VIOLATION;**

21 **(III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM**
22 **OR PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND**

23 **(IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE**
24 **ISSUANCE OF THE INJUNCTION.**

25 **15-104. THE FUND.**

26 **(A) (1) THERE IS A PUBLIC ELECTION FUND.**

27 **(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
28 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

1 **(3) THE FUND SHALL BE USED TO:**

2 **(I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT**
3 **BEGINS ON JANUARY 1, 2011, PUBLIC FINANCING FOR THE ELECTION**
4 **CAMPAIGNS OF PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR**
5 **GENERAL ELECTION; AND**

6 **(II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT**
7 **COSTS OF THE STATE BOARD RELATED TO THIS TITLE.**

8 **(4) THE COMPTROLLER SHALL:**

9 **(I) ADMINISTER THE FUND IN ACCORDANCE WITH THE**
10 **PROVISIONS OF THIS TITLE; AND**

11 **(II) CREDIT TO THE FUND ALL MONEY COLLECTED IN**
12 **ACCORDANCE WITH THIS TITLE.**

13 **(B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT**
14 **ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER**
15 **SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECKOFF SYSTEM THAT**
16 **ALLOWS THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN**
17 **FORM THAT \$5 OF THE TAXPAYER'S STATE TAX LIABILITY BE DIRECTED TO THE**
18 **PUBLIC ELECTION FUND.**

19 **(2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL**
20 **INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH**
21 **THE FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.**

22 **(C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF**
23 **SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, THE FUND SHALL CONSIST**
24 **OF THE FOLLOWING MONEY:**

25 **(1) UNSPENT SEED MONEY COLLECTED BY CANDIDATES WHO**
26 **FAIL TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE;**

27 **(2) EXCESS SEED MONEY COLLECTED BY ANY CANDIDATE WHO**
28 **SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, REGARDLESS**
29 **OF WHETHER THE CANDIDATE BECOMES CERTIFIED;**

30 **(3) QUALIFYING CONTRIBUTIONS REQUIRED OF A CANDIDATE**
31 **WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE,**
32 **INCLUDING QUALIFYING CONTRIBUTIONS IN EXCESS OF THE AMOUNT**

1 PRESCRIBED UNDER § 15-106 OF THIS TITLE THAT ARE RAISED BY THE
2 CANDIDATE;

3 (4) UNSPENT MONEY THAT:

4 (I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO
5 DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION
6 FOR WHICH THE MONEY WAS DISBURSED; OR

7 (II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER
8 THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

9 (5) FINES LEVIED BY THE STATE BOARD AGAINST CANDIDATES
10 FOR VIOLATIONS OF THE ELECTION LAW;

11 (6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

12 (7) INTEREST GENERATED BY THE FUND; AND

13 (8) THE BALANCE OF THE MONEY ON JANUARY 1, 2011, AS
14 CERTIFIED BY THE COMPTROLLER, THAT WAS TRANSFERRED FROM THE FAIR
15 CAMPAIGN FINANCING FUND FOR GUBERNATORIAL CANDIDATES ON ITS
16 TERMINATION ON JULY 1, 2010, AND PRESERVED AND MAINTAINED BY THE
17 COMPTROLLER FOR THE PURPOSES OF THE PUBLIC ELECTION FUND.

18 15-105. SEED MONEY; PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED.

19 (A) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING
20 UNDER THIS TITLE SHALL:

21 (1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE STATE
22 BOARD NO LATER THAN APRIL 15 OF THE YEAR OF THE ELECTION ON THE
23 FORM PRESCRIBED BY THE STATE BOARD; AND

24 (2) IN CONJUNCTION WITH THE STATE BOARD AND BEFORE
25 RAISING SEED MONEY OR ANY OTHER CONTRIBUTION GOVERNED BY THIS
26 TITLE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE
27 CANDIDATE FOR THE PURPOSE OF RECEIVING CONTRIBUTIONS AND MAKING
28 EXPENDITURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

29 (B) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING
30 UNDER THIS TITLE MAY ACCEPT SEED MONEY ONLY AS SPECIFIED IN THIS
31 SECTION, INCLUDING:

1 **(1) AGGREGATE SEED MONEY OF NO MORE THAN:**

2 **(I) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE**
3 **SENATE OF MARYLAND; OR**

4 **(II) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE**
5 **HOUSE OF DELEGATES; AND**

6 **(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM**
7 **THE CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER**
8 **CONTRIBUTED AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION.**

9 **(C) A CANDIDATE SHALL REMIT TO THE FUND ANY SEED MONEY RAISED**
10 **BY THE CANDIDATE IN EXCESS OF:**

11 **(1) \$3,500, IF A CANDIDATE FOR THE SENATE OF MARYLAND; OR**

12 **(2) \$3,500, IF A CANDIDATE FOR THE HOUSE OF DELEGATES.**

13 **(D) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING**
14 **CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY SPEND SEED**
15 **MONEY, TO THE LIMIT ALLOWED UNDER THIS SECTION, DURING THE**
16 **QUALIFYING CONTRIBUTIONS PERIOD.**

17 **15-106. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.**

18 **(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE**
19 **FOR A PUBLIC CONTRIBUTION FROM THE FUND:**

20 **(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND**
21 **THEN SHALL COLLECT:**

22 **(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND**

23 **(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST**
24 **\$1,000; AND**

25 **(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES**
26 **THEN SHALL COLLECT:**

27 **(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND**

28 **(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST**
29 **\$1,000.**

1 **(B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:**

2 **(1) SPECIFY HOW AND WHEN QUALIFYING CONTRIBUTIONS MUST**
3 **BE SUBMITTED TO THE STATE BOARD; AND**

4 **(2) ALLOW FOR ANY CONTRIBUTION OR QUALIFYING**
5 **CONTRIBUTION UNDER THIS SECTION TO BE MADE THROUGH THE INTERNET.**

6 **(C) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING**
7 **CANDIDATE SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN**
8 **THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AND THEREAFTER**
9 **DELIVER THE AMOUNT RECEIVED TO THE STATE BOARD FOR DEPOSIT IN THE**
10 **FUND.**

11 **(D) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION FOR A**
12 **CANDIDATE BY CASH, CHECK, OR MONEY ORDER MADE PAYABLE TO THE FUND,**
13 **OR THROUGH THE INTERNET IN ACCORDANCE WITH THE REGULATIONS OF THE**
14 **STATE BOARD.**

15 **(E) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING**
16 **CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE STATE BOARD FOR**
17 **DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:**

18 **(1) THE PRINTED NAME OF THE CONTRIBUTOR;**

19 **(2) THE ADDRESS OF THE CONTRIBUTOR; AND**

20 **(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS**
21 **THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION**
22 **AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR**
23 **REIMBURSEMENT.**

24 **(F) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY**
25 **DURING THE PERIOD THAT:**

26 **(1) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE**
27 **PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND**

28 **(2) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE DATE OF THE**
29 **PRIMARY ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.**

30 **(G) A CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM:**

- 1 **(1) A BUSINESS ENTITY;**
- 2 **(2) A POLITICAL PARTY;**
- 3 **(3) A REGULATED LOBBYIST;**
- 4 **(4) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**
- 5 **(5) A POLITICAL ACTION COMMITTEE; OR**
- 6 **(6) ANY OTHER POLITICAL COMMITTEE.**

7 **(H) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL**
8 **ASSEMBLY WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE**
9 **IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER § 13-235 OF**
10 **THIS ARTICLE.**

11 **(I) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS GOVERNING**
12 **QUALIFYING CONTRIBUTIONS PRESCRIBED UNDER REGULATIONS ADOPTED BY**
13 **THE STATE BOARD.**

14 **15-107. QUALIFICATION OF CANDIDATE – DETERMINATION BY STATE BOARD.**

15 **(A) THE STATE BOARD SHALL REVIEW AND MAKE A DETERMINATION**
16 **WHETHER TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NO**
17 **LATER THAN 15 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM**
18 **THE CANDIDATE:**

19 **(1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE**
20 **REGULATIONS AND POLICIES PRESCRIBED BY THE STATE BOARD; AND**

21 **(2) A CAMPAIGN FINANCE REPORT THAT STATES, IN ADDITION TO**
22 **THE LIST OF QUALIFYING CONTRIBUTIONS REQUIRED UNDER § 15-106 OF THIS**
23 **TITLE:**

24 **(I) ALL EXPENDITURES MADE BY THE CANDIDATE DURING**
25 **THE CAMPAIGN; AND**

26 **(II) ALL RECEIPTS ASSOCIATED WITH THOSE**
27 **CONTRIBUTIONS AND EXPENDITURES.**

28 **(B) A CANDIDATE CERTIFIED BY THE STATE BOARD AS A**
29 **PARTICIPATING CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION**
30 **SPECIFIED UNDER THIS TITLE FOR THAT LEGISLATIVE OFFICE.**

1 **(C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO**
2 **THE STATE BOARD TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE**
3 **ONLY ONCE.**

4 **(D) A DETERMINATION BY THE STATE BOARD AS TO WHETHER A**
5 **CANDIDATE IS ELIGIBLE FOR PUBLIC FINANCING:**

6 **(1) IS FINAL; AND**

7 **(2) IS NOT SUBJECT TO JUDICIAL REVIEW.**

8 **15-108. DISTRIBUTION TO PARTICIPATING CANDIDATE'S PUBLICLY FUNDED**
9 **CAMPAIGN ACCOUNT.**

10 **(A) AFTER THE STATE BOARD DETERMINES THAT A CANDIDATE HAS**
11 **SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE**
12 **STATE BOARD SHALL AUTHORIZE THE DISBURSEMENT OF A PUBLIC**
13 **CONTRIBUTION FROM THE FUND TO THE PUBLICLY FUNDED CAMPAIGN**
14 **ACCOUNT FOR THAT PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE**
15 **REQUIREMENTS OF THIS TITLE.**

16 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
17 **PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE**
18 **PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR**
19 **THE CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED**
20 **CAMPAIGN ACCOUNT.**

21 **(C) A PARTICIPATING CANDIDATE MAY MAINTAIN A PETTY CASH FUND**
22 **IN ACCORDANCE WITH § 13-220(C) OF THIS ARTICLE.**

23 **(D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE**
24 **ENTITY FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED**
25 **CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.**

26 **(2) THE STATE BOARD MAY GAIN ACCESS AT ANY TIME TO THE**
27 **RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY**
28 **FUNDED CAMPAIGN ACCOUNT.**

29 **(3) IN ACCORDANCE WITH THE STATE BOARD REGULATIONS AND**
30 **GUIDELINES, THE STATE BOARD MAY TERMINATE A PARTICIPATING**
31 **CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.**

32 **15-109. PARTICIPATING CANDIDATE – JOINING A SLATE PROHIBITED.**

1 A PARTICIPATING CANDIDATE MAY NOT BE A SLATE IN ANY
2 ELECTION IN WHICH THE CANDIDATE IS GOVERNED BY THIS TITLE.

3 **15-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE**
4 **GENERAL ASSEMBLY.**

5 **(A) IN THIS SECTION, AN “UNCONTESTED” ELECTION MEANS AN**
6 **ELECTION IN WHICH:**

7 **(1) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION**
8 **FOR OR ELECTION TO AN OFFICE; OR**

9 **(2) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR**
10 **NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE**
11 **SAME CATEGORY EQUALS THE NUMBER OF CANDIDATES.**

12 **(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF**
13 **MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS**
14 **OF THE LIMITS SPECIFIED IN THIS SUBSECTION.**

	PRIMARY	GENERAL	TOTAL
CONTESTED SENATE	\$50,000	\$50,000	\$100,000
UNCONTESTED SENATE	8,000	4,000	12,000

18 **(C) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF**
19 **DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN**
20 **EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.**

	PRIMARY	GENERAL	TOTAL
CONTESTED HOUSE			
(THREE MEMBER)	\$40,000	\$40,000	\$80,000
(TWO MEMBER)	35,000	35,000	70,000
(SINGLE MEMBER)	20,000	20,000	40,000
UNCONTESTED HOUSE			
(THREE MEMBER)	\$8,000	\$4,000	\$12,000
(TWO MEMBER)	6,000	3,500	9,500
(SINGLE MEMBER)	5,000	3,000	8,000

30 **(D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE**
31 **FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF**
32 **DELEGATES WHO IS ENGAGED IN:**

1 **(I) A CONTESTED PRIMARY ELECTION AND A CONTESTED**
2 **GENERAL ELECTION; OR**

3 **(II) AN UNCONTESTED PRIMARY ELECTION.**

4 **(2) A PARTICIPATING CANDIDATE WHO IS INVOLVED IN A**
5 **CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY**
6 **CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT**
7 **ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT:**

8 **(I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY**
9 **RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT**
10 **EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT**
11 **CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION;**
12 **AND**

13 **(II) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, FOR**
14 **THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE A PUBLIC**
15 **CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED**
16 **EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY**
17 **ELECTION AND FOR THE GENERAL ELECTION.**

18 **(3) A PARTICIPATING CANDIDATE INVOLVED IN AN**
19 **UNCONTESTED PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE**
20 **APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT**
21 **CANDIDATE UNDER THIS SECTION SO THAT FOR THE GENERAL ELECTION THE**
22 **CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE COMBINED**
23 **EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY**
24 **ELECTION AND FOR THE GENERAL ELECTION.**

25 **(4) A PARTICIPATING CANDIDATE INVOLVED IN A CONTESTED**
26 **PRIMARY ELECTION WHO CHOOSES AN ALTERNATIVE APPORTIONMENT OF THE**
27 **EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE SO THAT FOR THE**
28 **PRIMARY ELECTION THE CANDIDATE RECEIVES MORE THAN 50% OF THE**
29 **COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE**
30 **PRIMARY ELECTION AND FOR THE GENERAL ELECTION IS NOT ELIGIBLE TO**
31 **RECEIVE ANY FURTHER PUBLIC CONTRIBUTION UNDER THIS SECTION IF THE**
32 **CANDIDATE THEREAFTER IS ENGAGED IN AN UNCONTESTED GENERAL**
33 **ELECTION.**

34 **15-111. DISBURSEMENTS BY THE COMPTROLLER.**

35 **(A) (1) (I) BEGINNING ON MAY 1 OF THE YEAR OF THE ELECTION,**
36 **THE STATE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE A**

1 DISBURSEMENT FROM THE FUND TO EACH PARTICIPATING CANDIDATE WHOM
2 THE STATE BOARD AS OF THAT DATE HAS CERTIFIED TO RECEIVE A PUBLIC
3 CONTRIBUTION FOR THE PRIMARY ELECTION.

4 (II) BEFORE THE FILING DEADLINE FOR THE PRIMARY
5 ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE
6 COMPTROLLER MAY NOT MAKE AGGREGATE DISBURSEMENTS TO A
7 PARTICIPATING CANDIDATE THAT EXCEED 15% OF THE EXPENDITURE LIMIT
8 SPECIFIED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION.

9 (2) DURING THE PERIOD FROM MAY 1 OF THE YEAR OF THE
10 ELECTION UNTIL THE FILING DEADLINE FOR CANDIDATES FOR ELECTION TO
11 THE GENERAL ASSEMBLY, IF A PARTICIPATING CANDIDATE WHO WAS
12 UNOPPOSED IS LATER OPPOSED, IN ACCORDANCE WITH § 15-110 OF THIS TITLE,
13 THE STATE BOARD PROMPTLY SHALL AUTHORIZE THE COMPTROLLER TO MAKE
14 A DISTRIBUTION FROM THE FUND TO THE NOW OPPOSED PARTICIPATING
15 CANDIDATE.

16 (3) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC
17 CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES
18 INCURRED FOR THE PRIMARY ELECTION.

19 (4) THE STATE BOARD MAY DIRECT THE COMPTROLLER TO
20 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE
21 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY
22 ELECTION.

23 (5) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A
24 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART
25 OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
26 PRIMARY ELECTION.

27 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE
28 RESULTS OF THE PRIMARY ELECTION, THE STATE BOARD SHALL DIRECT THE
29 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH
30 PARTICIPATING CANDIDATE WHO HAS BEEN CERTIFIED BY THE STATE BOARD
31 TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION.

32 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A
33 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART
34 OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
35 GENERAL ELECTION.

1 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS
2 ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE
3 GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION IF:

4 (1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE
5 STATE BOARD; AND

6 (2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY
7 ELECTION.

8 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN
9 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE
10 NO LATER THAN 5 DAYS AFTER THE STATE BOARD DIRECTS THAT THE
11 DISBURSEMENT BE MADE.

12 15-112. PARTICIPATING CANDIDATE – SUPPLEMENTAL PUBLIC DISTRIBUTION.

13 (A) A PARTICIPATING CANDIDATE MAY RECEIVE A SUPPLEMENTAL
14 PUBLIC CONTRIBUTION OF MATCHING FUNDS FROM THE FUND IF:

15 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
16 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
17 ELECTION; AND

18 (2) THE NONPARTICIPATING CANDIDATE RECEIVES
19 CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE EXPENDITURE
20 LIMIT ESTABLISHED FOR THE PARTICIPATING CANDIDATE.

21 (B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A
22 PARTICIPATING CANDIDATE MAY RECEIVE UNDER THIS TITLE MAY NOT EXCEED
23 150% OF THE EXPENDITURE LIMIT ESTABLISHED FOR THE PRIMARY AND
24 GENERAL ELECTIONS UNDER § 15-110 OF THIS TITLE FOR THAT CANDIDATE.

25 (C) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES
26 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING
27 CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE
28 THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE
29 CANDIDATE'S EXPENDITURES BIWEEKLY THROUGH AND INCLUDING THE WEEK
30 AFTER THE ELECTION.

31 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
32 THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A
33 NONPARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD WITHIN 48

1 HOURS OF EACH EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR
2 BECOMES OBLIGATED TO MAKE.

3 (D) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES
4 THAT THE STATE BOARD ADOPTS, THE STATE BOARD MAY MAKE AN
5 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE
6 HAS MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

7 15-113. PARTICIPATING CANDIDATE WHO OPTS OUT – RETURN OF PUBLIC
8 MONEY AND PENALTY.

9 AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE STATE
10 BOARD, IF THE CANDIDATE ELECTS TO OPT OUT OF THE PUBLIC FINANCING
11 SYSTEM ESTABLISHED UNDER THIS TITLE, THE CANDIDATE SHALL:

12 (1) FILE A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD
13 ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

14 (2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF
15 WITHDRAWAL, REPAY TO THE STATE BOARD FOR REDEPOSIT IN THE FUND THE
16 FULL AMOUNT OF THE MONEY DISBURSED TO THE CANDIDATE BY THE
17 COMPTROLLER, TOGETHER WITH THE INTEREST AND PENALTY PRESCRIBED BY
18 THE STATE BOARD BY REGULATION.

19 15-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

20 (A) A PARTICIPATING CANDIDATE MAY NOT ACCEPT A CONTRIBUTION
21 FROM A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY.

22 (B) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL
23 PARTY FROM USING ITS FUNDS FOR EXPENSES FOR:

24 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL
25 PARTY;

26 (2) A POLITICAL PARTY CONVENTION;

27 (3) NOMINATING AND ENDORSING CANDIDATES;

28 (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S
29 POSITIONS ON ISSUES;

30 (5) PARTY PLATFORM ACTIVITIES;

1 **(6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT**
2 **CANDIDATE-SPECIFIC;**

3 **(7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT**
4 **CANDIDATE-SPECIFIC;**

5 **(8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE**
6 **POLITICAL PARTY WHO ARE NOT CANDIDATES; OR**

7 **(9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT**
8 **CANDIDATE-SPECIFIC.**

9 **15-115. JUDICIAL REVIEW.**

10 **(A) EXCEPT AS PROVIDED UNDER § 15-107(D) OF THIS TITLE, AN**
11 **ACTION OF THE STATE BOARD UNDER THIS TITLE MAY BE REVIEWED BY A**
12 **CIRCUIT COURT IN ACCORDANCE WITH § 10-222(C) OF THE STATE**
13 **GOVERNMENT ARTICLE.**

14 **(B) A PETITION TO REVIEW AN ACTION OF THE STATE BOARD UNDER**
15 **THIS SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE STATE BOARD**
16 **ACTS.**

17 **15-116. PENALTIES.**

18 **(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR**
19 **INTENTIONALLY:**

20 **(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT**
21 **ENTITLED;**

22 **(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER**
23 **THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR**

24 **(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE**
25 **FUND.**

26 **(B) IF THE STATE BOARD DETERMINES THAT A PARTICIPATING**
27 **CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR**
28 **MADE AN EXPENDITURE THAT EXCEEDS CONTRIBUTION OR EXPENDITURE**
29 **LIMITS SPECIFIED UNDER THIS TITLE OR FAILED TO DISCLOSE THE**
30 **CONTRIBUTION OR EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY**
31 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
32 **EXCEEDING \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.**

1 **(C) IN THE DISCRETION OF THE STATE BOARD, AN INDIVIDUAL WHO**
2 **VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A**
3 **PARTICIPATING CANDIDATE UNDER THIS TITLE.**

4 **(D) (1) A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY**
5 **PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION**
6 **ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE STATE BOARD.**

7 **(2) A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A**
8 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF**
9 **THREE TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR**
10 **FALSE DISCLOSURE, TO A MAXIMUM OF \$5,000 FOR EACH VIOLATION, OR**
11 **IMPRISONMENT FOR 2 YEARS OR BOTH.**

12 **15-117. SHORT TITLE.**

13 **THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT**
14 **FOR GENERAL ASSEMBLY CANDIDATES.**

15 SECTION 3. AND BE IT FURTHER ENACTED, That:

16 (a) There is a Commission to Study Public Financing of Elections in
17 Maryland.

18 (b) The Commission shall consist of the following 10 members:

19 (1) One member of the Senate of Maryland, appointed by the
20 President of the Senate;

21 (2) One member of the House of Delegates, appointed by the Speaker
22 of the House;

23 (3) Six individuals appointed by the Governor, including:

24 (i) A member of the State Board of Elections;

25 (ii) A member of the State Ethics Commission; and

26 (iii) Four representatives of statewide organizations concerned
27 with campaign finance practices, fair elections, and ethics in government;

28 (4) One representative appointed by the chair of the Maryland State
29 Democratic Party Central Committee; and

1 (5) One representative appointed by the chair of the Maryland State
2 Republican Party Central Committee.

3 (c) The Governor shall designate the chair of the Commission.

4 (d) The State Board of Elections and the State Ethics Commission shall
5 provide staff for the Commission.

6 (e) The Commission shall:

7 (1) Convene following the November 2014 general election;

8 (2) Receive testimony as the Commission considers appropriate; and

9 (3) On or before December 31, 2015, report its findings and
10 recommendations, including any proposed statutory changes to the Maryland election
11 laws, to the Governor, and, subject to § 2-1246 of the State Government Article, the
12 General Assembly concerning:

13 (i) Information relating to the practice of public funding of
14 election campaigns in other jurisdictions in the United States;

15 (ii) The need for additional disclosure of campaign contributions
16 or expenditures under this Act;

17 (iii) The effect and role of independent expenditures under this
18 Act;

19 (iv) Whether participating candidates under this Act should
20 receive a supplemental distribution from the Public Election Fund to match
21 independent expenditures that are made on behalf of an opposing candidate or against
22 a participating candidate;

23 (v) The effectiveness of the regulations, guidelines, and policies
24 established by the State Board of Elections governing the disclosure and reporting of
25 contributions and expenditures by participating candidates and nonparticipating
26 candidates in accordance with this Act;

27 (vi) Funding sources that the General Assembly should consider
28 for the purposes of this Act; and

29 (vii) Any other matter the Commission determines to be
30 appropriate.

31 SECTION 4. AND BE IT FURTHER ENACTED, That, on termination of the
32 Public Financing Act under Title 15 of the Election Law Article, as enacted by Section
33 1 of this Act, the Comptroller shall:

1 (1) Preserve and maintain the money in the Fair Campaign Financing
2 Fund for gubernatorial candidates under that Act on July 1, 2010, the effective date of
3 the termination; and

4 (2) Transfer that money, together with accrued interest on January 1,
5 2011, to the Public Election Fund under the Public Campaign Financing Act for
6 General Assembly Candidates established under Title 15 of the Election Law Article,
7 as enacted by Section 2 of this Act.

8 SECTION 5. AND BE IT FURTHER ENACTED, That the captions contained in
9 this Act are not law and may not be considered to have been enacted as part of this
10 Act.

11 SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this
12 Act or the application thereof to any person or circumstance is held invalid for any
13 reason in a court of competent jurisdiction, the invalidity does not affect other
14 provisions or any other application of this Act which can be given effect without the
15 invalid provision or application, and for this purpose the provisions of this Act are
16 declared severable.

17 SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of
18 Elections shall undertake actions, as required to manage and supervise the system of
19 public financing of elections for General Assembly candidates established under Title
20 15 of the Election Law Article, as enacted by Section 2 of this Act, to include the
21 development and adoption of comprehensive regulations to implement the purposes of
22 this Act on or before January 1, 2011, as required under § 15–102 of the Election Law
23 Article as enacted by Section 2 of this Act.

24 SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
25 take effect July 1, 2014. It shall remain effective for a period of 2 years and, at the end
26 of June 30, 2016, with no further action required by the General Assembly, Section 3
27 of this Act shall be abrogated and of no further force and effect.

28 SECTION 9. AND BE IT FURTHER ENACTED, That Sections 2 and 5 of this
29 Act shall take effect January 1, 2011.

30 SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in
31 Sections 8 and 9 of this Act, this Act shall take effect July 1, 2010.