

# HOUSE BILL 785

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HB 1363/17 – W&M

8lr2658

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By: **Delegates Mosby, Frush, Korman, R. Lewis, and Tarlau**

Introduced and read first time: February 1, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

2 AN ACT concerning

3 **Maryland Small Donor Incentive Act**

4 FOR the purpose of establishing a system of public financing of campaigns for candidates  
5 for election to the General Assembly; establishing certain powers and duties of the  
6 Division of Candidacy and Campaign Finance in the State Board of Elections;  
7 requiring a candidate who seeks to qualify for public financing to file a certain notice,  
8 establish a certain campaign account, collect certain qualifying contributions, and  
9 submit certain information to the Division; establishing certain procedures  
10 governing a determination by the Division as to whether a candidate qualifies for  
11 public financing; establishing certain requirements and procedures concerning a  
12 participating candidate's publicly funded campaign account; prohibiting a  
13 participating candidate from being a member of a slate, except under certain  
14 circumstances; requiring that certain eligible contributions be matched in a certain  
15 manner with money from the Fair Campaign Financing Fund; establishing certain  
16 limits on the total amount of matching funds a candidate may receive; authorizing  
17 the Division to alter certain qualifying contributions requirements and matching  
18 funds limits based on inflation by regulation after a certain date; authorizing a  
19 participating candidate to choose an alternative apportionment of the matching  
20 funds limits established for the candidate; prohibiting a candidate whose election is  
21 uncontested from receiving matching funds; requiring the Division to authorize the  
22 disbursement of matching funds at certain times; requiring that matching funds be  
23 used only for certain elections; requiring a participating candidate to return to the  
24 Fund matching funds not expended on certain elections; authorizing a candidate  
25 nominated by petition to receive matching funds under certain circumstances;  
26 requiring a candidate who opts out of public financing to take certain actions and  
27 pay a certain penalty; providing that this Act may not be construed to prohibit a  
28 political party from using its funds for certain expenses; providing for judicial review  
29 of actions of the Division; prohibiting certain conduct and establishing certain civil  
30 and criminal penalties for certain violations; requiring the Comptroller to credit  
31 certain money to the Fund and make certain distributions from the Fund; requiring  
32 the State Board to adopt certain regulations; requiring the Governor to include in

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the State budget a certain appropriation annually beginning in a certain fiscal year;  
2 altering a certain exception to the prohibition on campaign fund-raising by certain  
3 officials during the General Assembly session; defining certain terms; making the  
4 provisions of this Act severable; providing for a delayed effective date; and generally  
5 relating to public financing of elections.

6 BY repealing and reenacting, with amendments,  
7 Article – Election Law  
8 Section 13–235 and 15–103  
9 Annotated Code of Maryland  
10 (2017 Replacement Volume and 2017 Supplement)

11 BY adding to  
12 Article – Election Law  
13 Section 15.5–101 through 15.5–114 to be under the new title “Title 15.5. Maryland  
14 Small Donor Incentive Act”  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2017 Supplement)

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

19 **Article – Election Law**

20 13–235.

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

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

27 (b) Except as provided in subsection (c), (d), or [(e)] (F) of this section, during a  
28 regular session of the General Assembly an official described in subsection (a) of this  
29 section, or a person acting on behalf of the official, may not, as to a candidate for federal,  
30 State, or local office, or a campaign finance entity of the candidate or any other campaign  
31 finance entity organized under this title and operated in coordination with a candidate:

- 32 (1) receive a contribution;
- 33 (2) conduct a fund-raising event;

1 (3) solicit a contribution; or

2 (4) deposit or use any contribution of money that was not deposited prior  
3 to the session.

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

8 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of the  
9 election only, may accept eligible private contributions and any disbursement of funds by  
10 the State Board that is based on the eligible private contributions.

11 **(E) UNDER THE MARYLAND SMALL DONOR INCENTIVE ACT, A**  
12 **PARTICIPATING CANDIDATE MAY ACCEPT QUALIFYING CONTRIBUTIONS, ELIGIBLE**  
13 **CONTRIBUTIONS, AND ANY MATCHING FUNDS DISBURSED BY THE DIVISION OF**  
14 **CANDIDACY AND CAMPAIGN FINANCE IN THE STATE BOARD THAT ARE BASED ON**  
15 **THE ELIGIBLE CONTRIBUTIONS.**

16 **[(e)] (F)** An official described in subsection (a) of this section, or a person acting  
17 on behalf of the official, may deposit a contribution during the legislative session if the  
18 contribution was made electronically before the start of the session.

19 **[(f)] (G)** (1) As to a violation of this section, the campaign finance entity of  
20 the official in violation is liable for a civil penalty as provided in § 13-604.1 of this title.

21 (2) A civil penalty imposed under this subsection shall be distributed to the  
22 Fair Campaign Financing Fund established under § 15-103 of this article.

23 15-103.

24 (a) There is a Fair Campaign Financing Fund.

25 (b) The Comptroller shall administer the Fund in accordance with this section.

26 (c) In accordance with this title, the Comptroller shall:

27 (1) credit to the Fund:

28 (i) all money collected under this title **AND TITLE 15.5 OF THIS**  
29 **ARTICLE;**

30 (ii) voluntary contributions to the Fund made electronically through  
31 the State Board's Web site;

1 (iii) fees, fines, and penalties assessed under this article or the  
2 General Provisions Article that are expressly allocated to the Fund by law;

3 (iv) an anonymous contribution paid to the Fund under § 13–239 of  
4 this article;

5 (v) surplus campaign funds paid to the Fund under § 13–247 of this  
6 article; [and]

7 (vi) contributions to the Fund made through the checkoff on the  
8 individual income tax return established under § 2–113.1 of the Tax – General Article; AND

9 (VII) MONEY APPROPRIATED TO THE FUND UNDER SUBSECTION  
10 (H) OF THIS SECTION;

11 (2) subject to the usual investing procedures for State funds, invest the  
12 money in the Fund; and

13 (3) make distributions from the Fund promptly on authorization by:

14 (I) the State Board FOR A DISTRIBUTION MADE UNDER THIS  
15 TITLE; OR

16 (II) THE DIVISION OF CANDIDACY AND CAMPAIGN FINANCE IN  
17 THE STATE BOARD FOR A DISTRIBUTION MADE UNDER TITLE 15.5 OF THIS ARTICLE.

18 (d) The Comptroller shall distribute public contributions:

19 (1) only on authorization of:

20 (I) the State Board FOR A DISTRIBUTION MADE UNDER THIS  
21 TITLE; OR

22 (II) THE DIVISION OF CANDIDACY AND CAMPAIGN FINANCE IN  
23 THE STATE BOARD FOR A DISTRIBUTION MADE UNDER TITLE 15.5 OF THIS ARTICLE;  
24 [and]

25 (2) as to each eligible gubernatorial ticket, to the same campaign account  
26 of a single campaign finance entity established under Title 13, Subtitle 2 of this article;  
27 AND

28 (3) AS TO EACH PARTICIPATING CANDIDATE RECEIVING PUBLIC  
29 CONTRIBUTIONS UNDER TITLE 15.5 OF THIS ARTICLE, TO THE PUBLICLY FUNDED  
30 CAMPAIGN ACCOUNT OF THE CAMPAIGN FINANCE ENTITY ESTABLISHED UNDER

1 **TITLE 13, SUBTITLE 2 OF THIS ARTICLE FOR THE CANDIDATE.**

2 (e) The Comptroller shall submit a statement of the Fund's balance to the State  
3 Board at the State Board's request and on May 15 of each year.

4 (f) To pay costs directly related to the administration of this title, the State Board  
5 may expend in each fiscal year an amount of money in the Fund that does not exceed the  
6 lesser of:

7 (1) 3% of the Fund's balance, as calculated on the last day of the  
8 immediately preceding fiscal year; or

9 (2) \$100,000.

10 **(G) THE STATE BOARD SHALL ADOPT REGULATIONS REGARDING THE**  
11 **DISTRIBUTION OF PUBLIC CONTRIBUTIONS FROM THE FUND TO ELIGIBLE**  
12 **GUBERNATORIAL TICKETS UNDER THIS TITLE AND TO PARTICIPATING CANDIDATES**  
13 **FOR ELECTION TO THE GENERAL ASSEMBLY UNDER TITLE 15.5 OF THIS ARTICLE**  
14 **ON A FIRST-COME, FIRST-SERVED BASIS.**

15 **(H) BEGINNING WITH FISCAL YEAR 2020, AND FOR EACH FISCAL YEAR**  
16 **THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN**  
17 **APPROPRIATION OF \$1,000,000 TO THE FUND TO BE DISTRIBUTED AS PUBLIC**  
18 **CONTRIBUTIONS UNDER TITLE 15.5 OF THIS ARTICLE.**

19 **TITLE 15.5. MARYLAND SMALL DONOR INCENTIVE ACT.**

20 **15.5-101.**

21 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(B) "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE**  
24 **TREASURY.**

25 **(C) "CONSTITUENCY" MEANS THE DISTRICT THE CANDIDATE SEEKS TO**  
26 **REPRESENT.**

27 **(D) "DIVISION" MEANS THE DIVISION OF CANDIDACY AND CAMPAIGN**  
28 **FINANCE IN THE STATE BOARD OF ELECTIONS.**

29 **(E) (1) "ELIGIBLE CONTRIBUTION" MEANS A CONTRIBUTION OR SERIES**  
30 **OF CONTRIBUTIONS NOT EXCEEDING \$250 FROM A SINGLE INDIVIDUAL RESIDING IN**  
31 **A CANDIDATE'S CONSTITUENCY.**

1           **(2) “ELIGIBLE CONTRIBUTION” DOES NOT INCLUDE A CONTRIBUTION**  
2 **FROM ANY OF THE FOLLOWING:**

3                   **(I) A BUSINESS ENTITY;**

4                   **(II) A POLITICAL PARTY;**

5                   **(III) A REGULATED LOBBYIST;**

6                   **(IV) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**

7                   **(V) A POLITICAL ACTION COMMITTEE; OR**

8                   **(VI) ANY OTHER POLITICAL COMMITTEE.**

9           **(F) “FUND” MEANS THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED**  
10 **UNDER § 15–103 OF THIS ARTICLE.**

11           **(G) “MATCHING FUNDS” MEANS MONEY DISBURSED FROM THE FUND TO A**  
12 **PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.**

13           **(H) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE WHO IS**  
14 **DETERMINED BY THE DIVISION TO BE ELIGIBLE TO RECEIVE MATCHING FUNDS**  
15 **UNDER THIS TITLE.**

16           **(I) (1) “QUALIFYING CONTRIBUTION” MEANS THAT PART OF A**  
17 **CONTRIBUTION OR SERIES OF CONTRIBUTIONS FROM A SINGLE INDIVIDUAL**  
18 **RESIDING IN A CANDIDATE’S CONSTITUENCY THAT DOES NOT EXCEED \$250.**

19           **(2) “QUALIFYING CONTRIBUTION” DOES NOT INCLUDE A**  
20 **CONTRIBUTION FROM ANY OF THE FOLLOWING:**

21                   **(I) A BUSINESS ENTITY;**

22                   **(II) A POLITICAL PARTY;**

23                   **(III) A REGULATED LOBBYIST;**

24                   **(IV) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**

25                   **(V) A POLITICAL ACTION COMMITTEE; OR**

1 (VI) ANY OTHER POLITICAL COMMITTEE.

2 15.5-102.

3 (A) THE DIVISION SHALL:

4 (1) MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC FINANCING OF  
5 ELECTIONS ESTABLISHED UNDER THIS TITLE;

6 (2) ADOPT REGULATIONS AS NECESSARY TO EFFECT THE PURPOSES  
7 OF THIS TITLE;

8 (3) ENSURE THAT THE SYSTEM OF PUBLIC FINANCING OF ELECTIONS:

9 (I) ACCOMMODATES QUALIFYING CANDIDATES ON A  
10 FIRST-COME, FIRST-SERVED BASIS;

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

13 (III) ALLOWS FOR AN INCREASE OR A DECREASE IN THE NUMBER  
14 OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN CORRELATION TO  
15 THE AMOUNT OF MONEY IN THE FUND;

16 (4) DEVELOP AS PART OF THE CAMPAIGN FINANCE DATABASE AN  
17 ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE PUBLIC ON THE INTERNET  
18 AND THAT CONTAINS THE INFORMATION NECESSARY FOR THE PROPER  
19 ADMINISTRATION OF THIS TITLE, INCLUDING:

20 (I) CONTRIBUTIONS TO AND EXPENDITURES BY  
21 PARTICIPATING CANDIDATES AND THEIR AUTHORIZED CAMPAIGN FINANCE  
22 ENTITIES; AND

23 (II) MATCHING FUNDS FROM THE FUND THAT ARE DISBURSED  
24 TO PARTICIPATING CANDIDATES;

25 (5) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY TO  
26 ENSURE COMPLIANCE WITH THIS TITLE;

27 (6) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES  
28 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES  
29 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS TITLE; AND

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

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

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

7           **(III) A DETAILED SUMMARY REGARDING QUALIFYING**  
8 **CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY**  
9 **PARTICIPATING CANDIDATES;**

10           **(IV) EXPENDITURES MADE BY PARTICIPATING CANDIDATES;**  
11 **AND**

12           **(V) ANY OTHER INFORMATION THE DIVISION DETERMINES TO**  
13 **BE APPROPRIATE.**

14       **(B) THE DIVISION MAY:**

15           **(1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO**  
16 **PERFORM THE FUNCTIONS OF THE DIVISION UNDER THIS TITLE;**

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

18           **(3) PUBLICIZE THE NAMES OF CANDIDATES WHO VIOLATE THIS TITLE;**

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

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

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

26           **(7) IMPOSE FINES AND PENALTIES FOR VIOLATIONS OF THIS TITLE AS**  
27 **SPECIFICALLY PROVIDED IN THIS TITLE;**

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



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

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

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

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

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

10 **15.5-103.**

11           **A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS**  
12 **TITLE SHALL:**

13                   **(1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE DIVISION**  
14 **NOT LATER THAN FEBRUARY 15 OF THE YEAR OF THE ELECTION; AND**

15                   **(2) BEFORE RAISING ANY CONTRIBUTION GOVERNED BY THIS TITLE,**  
16 **ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE PURPOSE OF**  
17 **RECEIVING CONTRIBUTIONS AND MAKING EXPENDITURES IN ACCORDANCE WITH**  
18 **THE REQUIREMENTS OF THIS ARTICLE.**

19 **15.5-104.**

20           **(A) (1) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE**  
21 **FOR MATCHING FUNDS FROM THE FUND:**

22                   **(I) A CANDIDATE FOR ELECTION TO THE SENATE OF**  
23 **MARYLAND SHALL COLLECT AT LEAST \$15,000 OF QUALIFYING CONTRIBUTIONS**  
24 **FROM AT LEAST 200 INDIVIDUALS; OR**

25                   **(II) A CANDIDATE FOR ELECTION TO THE HOUSE OF**  
26 **DELEGATES SHALL COLLECT AT LEAST \$5,000 OF QUALIFYING CONTRIBUTIONS**  
27 **FROM AT LEAST 100 INDIVIDUALS.**

28                   **(2) THE DIVISION SHALL ALTER, BY REGULATION, THE AMOUNT OF**  
29 **QUALIFYING CONTRIBUTIONS SET FORTH IN THIS SUBSECTION FOR THE ELECTION**

1 CYCLE BEGINNING JANUARY 1, 2023, AND FOR EACH SUBSEQUENT ELECTION  
2 CYCLE, BASED ON THE RATE OF INFLATION IN THE JUST-CONCLUDED ELECTION  
3 CYCLE.

4 (B) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE  
5 SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN THE CANDIDATE'S  
6 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

7 (C) FOR EACH QUALIFYING CONTRIBUTION A CANDIDATE RECEIVES, THE  
8 CANDIDATE SHALL RETAIN A RECEIPT THAT INCLUDES:

9 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

10 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

11 (3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS  
12 THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND  
13 THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

14 (D) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY  
15 DURING THE PERIOD THAT:

16 (1) BEGINS ON SEPTEMBER 1 IN THE YEAR PRECEDING THE PRIMARY  
17 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

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

20 15.5-105.

21 (A) THE DIVISION SHALL REVIEW AND MAKE A DETERMINATION WHETHER  
22 TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NOT LATER THAN 15  
23 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM THE CANDIDATE:

24 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE  
25 REGULATIONS AND POLICIES OF THE DIVISION; AND

26 (2) A CAMPAIGN FINANCE REPORT THAT INCLUDES:

27 (I) ALL QUALIFYING CONTRIBUTIONS AND OTHER  
28 CONTRIBUTIONS RECEIVED BY THE CANDIDATE;

29 (II) ALL EXPENDITURES MADE BY THE CANDIDATE; AND

1                   (III) ALL RECEIPTS ASSOCIATED WITH THOSE CONTRIBUTIONS  
2 AND EXPENDITURES.

3           (B) A CANDIDATE CERTIFIED BY THE DIVISION AS A PARTICIPATING  
4 CANDIDATE IS ELIGIBLE TO RECEIVE THE MATCHING FUNDS SPECIFIED UNDER THIS  
5 TITLE FOR THE OFFICE THE CANDIDATE SEEKS.

6           (C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO  
7 THE DIVISION TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE ONLY ONCE.

8           (D) A DETERMINATION BY THE DIVISION AS TO WHETHER A CANDIDATE IS  
9 ELIGIBLE FOR PUBLIC FINANCING:

10                   (1) IS FINAL; AND

11                   (2) IS NOT SUBJECT TO JUDICIAL REVIEW.

12 **15.5-106.**

13           (A) AFTER THE DIVISION DETERMINES THAT A CANDIDATE HAS SATISFIED  
14 THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE DIVISION  
15 SHALL AUTHORIZE THE DISBURSEMENT OF MATCHING FUNDS FROM THE FUND TO  
16 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE PARTICIPATING CANDIDATE  
17 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.

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

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

24           (D) (1) A PARTICIPATING CANDIDATE OR A PERSON ACTING ON BEHALF  
25 OF A PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN  
26 ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.

27                   (2) THE DIVISION MAY HAVE ACCESS AT ANY TIME TO THE RECORDS  
28 AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED  
29 CAMPAIGN ACCOUNT.

30                   (3) THE DIVISION MAY TERMINATE A PARTICIPATING CANDIDATE'S

1 PUBLICLY FUNDED CAMPAIGN ACCOUNT AS PROVIDED IN REGULATIONS ADOPTED  
2 BY THE DIVISION.

3 **15.5-107.**

4 A PARTICIPATING CANDIDATE MAY NOT BE A MEMBER OF A SLATE IN ANY  
5 ELECTION IN WHICH THE CANDIDATE IS GOVERNED BY THIS TITLE UNLESS ALL  
6 MEMBERS OF THE SLATE ARE PARTICIPATING CANDIDATES.

7 **15.5-108.**

8 (A) (1) IN THIS SUBSECTION, AN "UNCONTESTED" ELECTION MEANS AN  
9 ELECTION IN WHICH:

10 (I) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION  
11 FOR OR ELECTION TO AN OFFICE; OR

12 (II) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR  
13 NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE SAME  
14 CATEGORY EQUALS THE NUMBER OF OFFICES.

15 (2) A CANDIDATE WHOSE ELECTION IS UNCONTESTED IS NOT  
16 ELIGIBLE TO RECEIVE MATCHING FUNDS.

17 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE DIVISION SHALL  
18 AUTHORIZE THE DISBURSEMENT OF MATCHING FUNDS TO PARTICIPATING  
19 CANDIDATES AS FOLLOWS:

20 (1) AN ELIGIBLE CONTRIBUTION THAT DOES NOT EXCEED \$50 IS  
21 MATCHED AT A 3-TO-1 RATIO;

22 (2) AN ELIGIBLE CONTRIBUTION THAT EXCEEDS \$50 BUT DOES NOT  
23 EXCEED \$150 IS MATCHED AT A 2-TO-1 RATIO; AND

24 (3) FOR AN ELIGIBLE CONTRIBUTION THAT EXCEEDS \$150, THAT  
25 PART OF THE ELIGIBLE CONTRIBUTION THAT DOES NOT EXCEED \$150 IS MATCHED  
26 AT A 2-TO-1 RATIO.

27 (C) (1) A PARTICIPATING CANDIDATE FOR THE SENATE OF MARYLAND  
28 MAY NOT RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN EXCESS OF THE  
29 FOLLOWING AMOUNTS:

30 PRIMARY GENERAL TOTAL

1	<b>ELECTION</b>	<b>ELECTION</b>	
2	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$100,000</b>

3           **(2) A PARTICIPATING CANDIDATE FOR THE HOUSE OF DELEGATES**  
 4 **MAY NOT RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN EXCESS OF THE**  
 5 **FOLLOWING AMOUNTS:**

6	<b>PRIMARY</b>	<b>GENERAL</b>	
7	<b>ELECTION</b>	<b>ELECTION</b>	<b>TOTAL</b>
	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$70,000</b>

8           **(3) THE DIVISION SHALL ALTER, BY REGULATION, THE MATCHING**  
 9 **FUNDS LIMITS SET FORTH IN THIS SUBSECTION FOR THE ELECTION CYCLE**  
 10 **BEGINNING JANUARY 1, 2023, AND FOR EACH SUBSEQUENT ELECTION CYCLE,**  
 11 **BASED ON INFLATION.**

12           **(4) WHEN A CANDIDATE APPLIES TO BE CERTIFIED AS A**  
 13 **PARTICIPATING CANDIDATE UNDER § 15.5-105(A) OF THIS TITLE, THE CANDIDATE**  
 14 **MAY CHOOSE ONE OF THE FOLLOWING ALTERNATIVE APPORTIONMENTS OF THE**  
 15 **MATCHING FUNDS LIMITS ESTABLISHED FOR THE CANDIDATE UNDER THIS**  
 16 **SUBSECTION:**

17           **(I) 1. FOR THE PRIMARY ELECTION, A PARTICIPATING**  
 18 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT DOES**  
 19 **NOT EXCEED 70% OF THE TOTAL COMBINED MATCHING FUNDS LIMITS ESTABLISHED**  
 20 **FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION; AND**

21                           **2. FOR THE GENERAL ELECTION, THE PARTICIPATING**  
 22 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT DOES**  
 23 **NOT EXCEED 30% OF THE TOTAL COMBINED MATCHING FUNDS LIMITS ESTABLISHED**  
 24 **FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION; OR**

25           **(II) 1. FOR THE PRIMARY ELECTION, A PARTICIPATING**  
 26 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT DOES**  
 27 **NOT EXCEED 30% OF THE TOTAL COMBINED MATCHING FUNDS LIMITS ESTABLISHED**  
 28 **FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION; AND**

29                           **2. FOR THE GENERAL ELECTION, THE PARTICIPATING**  
 30 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT DOES**  
 31 **NOT EXCEED 70% OF THE TOTAL COMBINED MATCHING FUNDS LIMITS ESTABLISHED**  
 32 **FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION.**

33 **15.5-109.**

1           **(A) (1) BEGINNING ON JANUARY 1 OF THE YEAR OF THE ELECTION, THE**  
2 **DIVISION SHALL AUTHORIZE THE COMPTROLLER TO MAKE DISBURSEMENTS OF**  
3 **MATCHING FUNDS FROM THE FUND TO PARTICIPATING CANDIDATES AT LEAST FIVE**  
4 **TIMES BEFORE THE PRIMARY ELECTION, INCLUDING AT LEAST THREE TIMES IN THE**  
5 **30 DAYS BEFORE THE PRIMARY ELECTION.**

6           **(2) A PARTICIPATING CANDIDATE MAY USE THE MATCHING FUNDS**  
7 **DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE**  
8 **PRIMARY ELECTION.**

9           **(3) WITHIN 10 DAYS AFTER THE PRIMARY ELECTION, A**  
10 **PARTICIPATING CANDIDATE SHALL RETURN TO THE DIVISION FOR DEPOSIT IN THE**  
11 **FUND ANY MATCHING FUNDS THAT THE CANDIDATE DID NOT EXPEND ON THE**  
12 **PRIMARY ELECTION.**

13           **(B) (1) AFTER THE STATE BOARD CERTIFIES THE RESULTS OF THE**  
14 **PRIMARY ELECTION, THE DIVISION SHALL AUTHORIZE THE COMPTROLLER TO**  
15 **MAKE DISBURSEMENTS OF MATCHING FUNDS FROM THE FUND TO PARTICIPATING**  
16 **CANDIDATES AT LEAST FIVE TIMES BEFORE THE GENERAL ELECTION, INCLUDING**  
17 **AT LEAST THREE TIMES IN THE 30 DAYS BEFORE THE GENERAL ELECTION.**

18           **(2) A PARTICIPATING CANDIDATE MAY USE THE MATCHING FUNDS**  
19 **DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE**  
20 **GENERAL ELECTION.**

21           **(3) WITHIN 10 DAYS AFTER THE GENERAL ELECTION, A**  
22 **PARTICIPATING CANDIDATE SHALL RETURN TO THE DIVISION FOR DEPOSIT IN THE**  
23 **FUND ANY MATCHING FUNDS THAT THE CANDIDATE DID NOT EXPEND ON THE**  
24 **GENERAL ELECTION.**

25           **(C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS ELIGIBLE TO**  
26 **RECEIVE MATCHING FUNDS FOR THE GENERAL ELECTION AFTER MARCH 1 OF THE**  
27 **YEAR OF THE ELECTION IF:**

28           **(1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE**  
29 **STATE BOARD; AND**

30           **(2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY**  
31 **ELECTION.**

32           **(D) THE COMPTROLLER SHALL DEPOSIT MATCHING FUNDS IN THE**  
33 **PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE AS SOON**

1 AS PRACTICABLE AFTER THE DIVISION DIRECTS THAT THE DISBURSEMENT BE  
2 MADE.

3 **15.5–110.**

4 AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE DIVISION,  
5 IF A CANDIDATE ELECTS TO OPT OUT OF THE SYSTEM OF PUBLIC FINANCING OF  
6 ELECTIONS ESTABLISHED UNDER THIS TITLE, THE CANDIDATE SHALL:

7 (1) FILE A STATEMENT OF WITHDRAWAL WITH THE DIVISION; AND

8 (2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF  
9 WITHDRAWAL, REPAY TO THE DIVISION FOR DEPOSIT IN THE FUND THE FULL  
10 AMOUNT OF ANY MATCHING FUNDS THE CANDIDATE RECEIVED, TOGETHER WITH  
11 THE INTEREST AND PENALTY PRESCRIBED BY THE DIVISION BY REGULATION.

12 **15.5–111.**

13 THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY FROM  
14 USING THE POLITICAL PARTY'S FUNDS FOR EXPENSES FOR:

15 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;

16 (2) A POLITICAL PARTY CONVENTION;

17 (3) NOMINATING AND ENDORSING CANDIDATES;

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

20 (5) PARTY PLATFORM ACTIVITIES;

21 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT  
22 CANDIDATE-SPECIFIC;

23 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT  
24 CANDIDATE-SPECIFIC;

25 (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL  
26 PARTY WHO ARE NOT CANDIDATES; OR

27 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT  
28 CANDIDATE-SPECIFIC.

1 **15.5–112.**

2 (A) EXCEPT AS PROVIDED IN § 15.5–105(D) OF THIS TITLE, AN ACTION OF  
3 THE DIVISION UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT IN  
4 ACCORDANCE WITH § 10–222(C) OF THE STATE GOVERNMENT ARTICLE.

5 (B) A PETITION TO REVIEW AN ACTION OF THE DIVISION UNDER THIS  
6 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE DIVISION ACTS.

7 **15.5–113.**

8 (A) A PARTICIPATING CANDIDATE OR PERSON ACTING ON BEHALF OF A  
9 PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

10 (1) MAKE AN EXPENDITURE IN EXCESS OF THE AMOUNT AUTHORIZED  
11 UNDER THIS TITLE;

12 (2) EXPEND A CONTRIBUTION OR MATCHING FUNDS FOR ANY  
13 PURPOSE NOT AUTHORIZED BY LAW; OR

14 (3) PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD  
15 INFORMATION ABOUT A CONTRIBUTION OR AN EXPENDITURE FROM THE DIVISION.

16 (B) A PARTICIPATING CANDIDATE OR PERSON ACTING ON BEHALF OF A  
17 PARTICIPATING CANDIDATE WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS  
18 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
19 EXCEEDING \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

20 (C) THE DIVISION MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF  
21 SUBSECTION (A) OF THIS SECTION:

22 (1) IN AN AMOUNT NOT EXCEEDING TWICE THE AMOUNT OF THE  
23 UNLAWFUL EXPENDITURE OR FALSE DISCLOSURE, UP TO A MAXIMUM OF \$5,000 FOR  
24 EACH VIOLATION;

25 (2) TO BE PAID OUT OF THE PERSONAL FUNDS OF THE VIOLATOR; AND

26 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IN  
27 ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS OF § 13–604.1 OF THIS  
28 ARTICLE.

29 (D) THE DIVISION MAY BAR AN INDIVIDUAL WHO VIOLATES THIS TITLE



1 FROM FURTHER PARTICIPATION AS A PARTICIPATING CANDIDATE UNDER THIS  
2 TITLE.

3 15.5-114.

4 THIS TITLE MAY BE CITED AS THE MARYLAND SMALL DONOR INCENTIVE ACT.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
6 the application thereof to any person or circumstance is held invalid for any reason in a  
7 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
8 application of this Act that can be given effect without the invalid provision or application,  
9 and for this purpose the provisions of this Act are declared severable.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 January 1, 2019.