

HOUSE BILL 676

G1

9lr1287

By: **Delegate Washington**

Introduced and read first time: February 7, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Judges of the Circuit Court**

3 FOR the purpose of prohibiting lawyers and law firms from making contributions, directly
4 or indirectly, to the campaign finance entity of a candidate for the office of judge of
5 the circuit court or a slate that includes a member who is a candidate for the office
6 of judge of the circuit court; establishing a voluntary system of public campaign
7 financing for campaigns for the office of judge of the circuit court; requiring a
8 candidate for judge of the circuit court who wishes to qualify for public campaign
9 financing to submit to the State Board of Elections a certain petition in a certain
10 manner; applying certain provisions of law to the petition; requiring a candidate
11 whose petition is certified to receive a public contribution of a certain amount at a
12 certain time; requiring a qualifying judicial candidate to establish a publicly funded
13 campaign account for a certain purpose before receiving a public contribution;
14 prohibiting a qualifying judicial candidate and a person acting on behalf of a
15 qualifying judicial candidate from making an expenditure for the candidate other
16 than from the candidate's publicly funded campaign account; authorizing a
17 qualifying judicial candidate to maintain a petty cash fund in accordance with a
18 certain provision of law; prohibiting a qualifying judicial candidate and a person
19 acting on behalf of a qualifying judicial candidate from soliciting, receiving, or using
20 a contribution other than a public contribution; prohibiting a public contribution
21 from being used for any purpose other than promoting the nomination or election of
22 a qualifying judicial candidate; requiring a qualifying judicial candidate to return
23 any amount of a public contribution that is not spent on an election to the State
24 Board; providing that certain persons are jointly and severally personally liable for
25 repaying a public contribution to the State Board under certain circumstances;
26 prohibiting a qualifying judicial candidate from being a member of a slate except
27 under certain circumstances; prohibiting a publicly funded campaign account from
28 making a transfer or receiving a transfer; requiring a qualifying judicial candidate
29 who elects to opt out of public financing to file a certain statement and repay a public
30 contribution and certain interest and a certain penalty to the State Board; requiring
31 the State Board to manage and supervise the system of public campaign financing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and adopt certain regulations; requiring that funding for the system of public
 2 campaign financing be as provided by the Governor in the State budget; requiring
 3 the State Board to distribute available funds to candidates who qualify for public
 4 financing on a first-come, first-served basis; establishing certain penalties for
 5 violations of certain provisions of this Act; making conforming changes; defining
 6 certain terms; altering certain definitions; and generally relating to financing for
 7 campaigns for the office of judge of the circuit court.

8 BY repealing and reenacting, without amendments,
 9 Article – Election Law
 10 Section 6–101(a)
 11 Annotated Code of Maryland
 12 (2017 Replacement Volume and 2018 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article – Election Law
 15 Section 6–101(g) and (i), 6–102(a), and 6–208(c)
 16 Annotated Code of Maryland
 17 (2017 Replacement Volume and 2018 Supplement)

18 BY adding to
 19 Article – Election Law
 20 Section 13–238; and 15.5–101 through 15.5–111 to be under the new title “Title 15.5.
 21 Public Financing for Campaigns for Judge of the Circuit Court”
 22 Annotated Code of Maryland
 23 (2017 Replacement Volume and 2018 Supplement)

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

26 **Article – Election Law**

27 6–101.

28 (a) In this title the following words have the meanings indicated.

29 (g) “Local petition” means a petition:

30 (1) on which the signatures from only one county may be counted; and

31 (2) that does not seek to:

32 (i) refer a public local law enacted by the General Assembly; [or]

33 (ii) nominate an individual for an office for which a certificate of
 34 candidacy is required to be filed with the State Board; **OR**

1 **(III) QUALIFY A JUDICIAL CANDIDATE FOR PUBLIC CAMPAIGN**
2 **FINANCING UNDER TITLE 15.5 OF THIS ARTICLE.**

3 (i) “Petition” means all of the associated pages necessary to fulfill the
4 requirements of a process established by the law by which individuals affix their signatures
5 as evidence of support for:

6 (1) placing the name of an individual, the names of individuals, or a
7 question on the ballot at any election;

8 (2) the creation of a new political party; [or]

9 (3) the appointment of a charter board under Article XI–A, § 1A of the
10 Maryland Constitution; **OR**

11 **(4) QUALIFYING A JUDICIAL CANDIDATE FOR PUBLIC CAMPAIGN**
12 **FINANCING UNDER TITLE 15.5 OF THIS ARTICLE.**

13 6–102.

14 (a) Except as provided in subsection (b) of this section, this title applies to any
15 petition authorized by law to:

16 **(1)** place the name of an individual or a question on the ballot [or to];

17 **(2)** create a new political party; **OR**

18 **(3) QUALIFY A JUDICIAL CANDIDATE FOR PUBLIC CAMPAIGN**
19 **FINANCING UNDER TITLE 15.5 OF THIS ARTICLE.**

20 6–208.

21 (c) If the chief election official determines that a petition has satisfied all
22 requirements established by law relating to that petition, the chief election official shall
23 certify that the petition process has been completed and shall:

24 (1) with respect to a petition seeking to place the name of an individual or
25 a question on the ballot, certify that the name or question has qualified to be placed on the
26 ballot;

27 (2) with respect to a petition seeking to create a new political party, certify
28 the sufficiency of the petition to the chairman of the governing body of the partisan
29 organization; [and]

30 (3) with respect to the creation of a charter board under Article XI–A, § 1A
31 of the Maryland Constitution, certify that the petition is sufficient; **AND**

(4) WITH RESPECT TO A PETITION SEEKING TO QUALIFY A JUDICIAL CANDIDATE FOR PUBLIC CAMPAIGN FINANCING UNDER TITLE 15.5 OF THIS ARTICLE, CERTIFY THAT THE JUDICIAL CANDIDATE HAS QUALIFIED FOR PUBLIC CAMPAIGN FINANCING.

13-238.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LAW FIRM" MEANS AN ASSOCIATION OF LAWYERS IN A LAW PARTNERSHIP, PROFESSIONAL OR NONPROFIT CORPORATION, SOLE PROPRIETORSHIP, OR ANY OTHER BUSINESS ENTITY WHO ARE PRIMARILY ENGAGED IN THE PRACTICE OF LAW.

(3) "LAWYER" MEANS AN INDIVIDUAL WHO IS ADMITTED TO THE BAR IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(B) A LAWYER OR A LAW FIRM MAY NOT, DIRECTLY OR INDIRECTLY, MAKE A CONTRIBUTION TO:

(1) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT; OR

(2) A SLATE THAT INCLUDES A MEMBER WHO IS A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT.

TITLE 15.5. PUBLIC FINANCING FOR CAMPAIGNS FOR JUDGE OF THE CIRCUIT COURT.

15.5-101.

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

(B) "JUDICIAL CANDIDATE" MEANS A CANDIDATE FOR THE OFFICE OF JUDGE OF THE CIRCUIT COURT.

(C) "PUBLIC CONTRIBUTION" MEANS STATE FUNDS DISTRIBUTED TO A QUALIFYING JUDICIAL CANDIDATE UNDER THIS TITLE.

1 (D) "QUALIFYING JUDICIAL CANDIDATE" MEANS A JUDICIAL CANDIDATE
2 WHO HAS SATISFIED THE REQUIREMENTS OF THIS TITLE TO RECEIVE A PUBLIC
3 CONTRIBUTION.

4 **15.5-102.**

5 (A) A JUDICIAL CANDIDATE WHO WISHES TO QUALIFY FOR PUBLIC
6 CAMPAIGN FINANCING SHALL SUBMIT TO THE STATE BOARD A PETITION
7 CONTAINING THE SIGNATURES OF AT LEAST 5,000 REGISTERED VOTERS IN THE
8 COUNTY WHERE THE JUDGESHIP THE JUDICIAL CANDIDATE SEEKS IS LOCATED.

9 (B) A PETITION UNDER THIS SECTION SHALL BE:

10 (1) FILED ON OR BEFORE THE DEADLINE FOR FILING A CERTIFICATE
11 OF CANDIDACY UNDER § 5-303, § 5-703, OR § 5-703.1 OF THIS ARTICLE; AND

12 (2) SUBJECT TO TITLE 6 OF THIS ARTICLE.

13 (C) IF THE STATE BOARD CERTIFIES A JUDICIAL CANDIDATE'S PETITION,
14 THE JUDICIAL CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTIONS SPECIFIED
15 IN § 15.5-103 OF THIS TITLE.

16 **15.5-103.**

17 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
18 QUALIFYING JUDICIAL CANDIDATE WHO IS A CANDIDATE IN THE PRIMARY ELECTION
19 SHALL RECEIVE PUBLIC CONTRIBUTIONS OF:

20 (1) \$25,000 FOR THE PRIMARY ELECTION; AND

21 (2) IF THE CANDIDATE IS NOMINATED IN THE PRIMARY ELECTION,
22 \$25,000 FOR THE GENERAL ELECTION.

23 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
24 QUALIFYING JUDICIAL CANDIDATE WHO IS NOMINATED BY PETITION UNDER § 5-703
25 OF THIS ARTICLE OR BY POLITICAL PARTY UNDER § 5-703.1 OF THIS ARTICLE SHALL
26 RECEIVE A PUBLIC CONTRIBUTION OF \$25,000 FOR THE GENERAL ELECTION.

27 (C) (1) A QUALIFYING JUDICIAL CANDIDATE SHALL RECEIVE A PUBLIC
28 CONTRIBUTION OF \$10,000 FOR ANY ELECTION IN WHICH THE QUALIFYING
29 JUDICIAL CANDIDATE IS UNCONTESTED.

30 (2) FOR PURPOSES OF THIS SUBSECTION, AN ELECTION IS

1 UNCONTESTED IF:

2 (I) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION
3 FOR OR ELECTION TO A JUDGESHIP; OR

4 (II) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR
5 NOMINATION FOR OR ELECTION TO MULTIPLE JUDGESHIPS EQUALS THE NUMBER
6 OF JUDGESHIPS.

7 (D) THE STATE BOARD SHALL DISTRIBUTE A PUBLIC CONTRIBUTION FOR
8 THE PRIMARY ELECTION TO A QUALIFYING JUDICIAL CANDIDATE PROMPTLY AFTER
9 THE STATE BOARD CERTIFIES THE QUALIFYING JUDICIAL CANDIDATE'S PETITION.

10 (E) (1) THE STATE BOARD SHALL DISTRIBUTE A PUBLIC CONTRIBUTION
11 FOR THE GENERAL ELECTION TO A QUALIFYING JUDICIAL CANDIDATE WHO IS
12 NOMINATED IN THE PRIMARY ELECTION PROMPTLY AFTER THE STATE BOARD
13 ISSUES A CERTIFICATE OF NOMINATION TO THE QUALIFYING JUDICIAL CANDIDATE.

14 (2) THE STATE BOARD SHALL DISTRIBUTE A PUBLIC CONTRIBUTION
15 FOR THE GENERAL ELECTION TO A QUALIFYING JUDICIAL CANDIDATE WHO IS
16 NOMINATED BY PETITION UNDER § 5-703 OF THIS ARTICLE OR BY POLITICAL PARTY
17 UNDER § 5-703.1 OF THIS ARTICLE PROMPTLY AFTER THE STATE BOARD CERTIFIES
18 THE QUALIFYING JUDICIAL CANDIDATE'S PETITION.

19 15.5-104.

20 (A) BEFORE RECEIVING A PUBLIC CONTRIBUTION, A QUALIFYING JUDICIAL
21 CANDIDATE SHALL ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE
22 EXCLUSIVE PURPOSE OF RECEIVING PUBLIC CONTRIBUTIONS AND MAKING
23 EXPENDITURES TO PROMOTE THE NOMINATION OR ELECTION OF THE QUALIFYING
24 JUDICIAL CANDIDATE.

25 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
26 QUALIFYING JUDICIAL CANDIDATE OR A PERSON ACTING ON BEHALF OF A
27 QUALIFYING JUDICIAL CANDIDATE MAY NOT MAKE AN EXPENDITURE FOR THE
28 CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN
29 ACCOUNT.

30 (2) A QUALIFYING JUDICIAL CANDIDATE MAY MAINTAIN A PETTY
31 CASH FUND IN ACCORDANCE WITH § 13-220(C) OF THIS ARTICLE.

32 15.5-105.

1 (A) UNLESS A QUALIFYING JUDICIAL CANDIDATE WITHDRAWS FROM THE
2 SYSTEM OF PUBLIC CAMPAIGN FINANCING IN ACCORDANCE WITH § 15.5–108 OF
3 THIS TITLE, A QUALIFYING JUDICIAL CANDIDATE OR A PERSON ACTING ON BEHALF
4 OF A QUALIFYING JUDICIAL CANDIDATE MAY NOT SOLICIT, RECEIVE, OR USE ANY
5 CONTRIBUTION OTHER THAN A PUBLIC CONTRIBUTION.

6 (B) A PUBLIC CONTRIBUTION MAY NOT BE USED FOR ANY PURPOSE OTHER
7 THAN TO PROMOTE THE NOMINATION OR ELECTION OF A QUALIFYING JUDICIAL
8 CANDIDATE.

9 (C) WITHIN 10 DAYS AFTER AN ELECTION FOR WHICH A QUALIFYING
10 JUDICIAL CANDIDATE RECEIVED A PUBLIC CONTRIBUTION, THE QUALIFYING
11 JUDICIAL CANDIDATE SHALL RETURN TO THE STATE BOARD ANY AMOUNT OF THE
12 PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT EXPEND ON THE ELECTION.

13 (D) A QUALIFYING JUDICIAL CANDIDATE AND THE RESPONSIBLE OFFICERS
14 OF THE QUALIFYING JUDICIAL CANDIDATE'S CAMPAIGN FINANCE ENTITY ARE
15 JOINTLY AND SEVERALLY PERSONALLY LIABLE FOR REPAYING TO THE STATE
16 BOARD ANY PART OF A PUBLIC CONTRIBUTION THAT IS NOT SPENT OR IS SPENT IN
17 VIOLATION OF SUBSECTION (B) OF THIS SECTION.

18 15.5–106.

19 A QUALIFYING JUDICIAL CANDIDATE MAY NOT BE A MEMBER OF A SLATE
20 UNLESS ALL MEMBERS OF THE SLATE ARE QUALIFYING JUDICIAL CANDIDATES.

21 15.5–107.

22 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A QUALIFYING JUDICIAL
23 CANDIDATE MAY NOT:

24 (1) MAKE A TRANSFER TO ANOTHER CAMPAIGN FINANCE ENTITY; OR

25 (2) RECEIVE A TRANSFER FROM ANOTHER CAMPAIGN FINANCE
26 ENTITY.

27 15.5–108.

28 AFTER BEING CERTIFIED AS A QUALIFYING JUDICIAL CANDIDATE, IF THE
29 QUALIFYING JUDICIAL CANDIDATE ELECTS TO OPT OUT OF THE SYSTEM OF PUBLIC
30 CAMPAIGN FINANCING ESTABLISHED UNDER THIS TITLE, THE CANDIDATE SHALL:

31 (1) FILE A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD;

1 AND

2 (2) WITHIN 7 DAYS AFTER FILING THE STATEMENT OF WITHDRAWAL,
3 REPAY TO THE STATE BOARD THE FULL AMOUNT OF ANY PUBLIC CONTRIBUTIONS
4 THE CANDIDATE RECEIVED, TOGETHER WITH THE INTEREST AND PENALTY
5 PRESCRIBED BY THE STATE BOARD BY REGULATION.

6 15.5–109.

7 THE STATE BOARD SHALL:

8 (1) MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC CAMPAIGN
9 FINANCING ESTABLISHED UNDER THIS TITLE; AND

10 (2) ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS TITLE.

11 15.5–110.

12 (A) FUNDING FOR THE SYSTEM OF PUBLIC CAMPAIGN FINANCING
13 ESTABLISHED UNDER THIS TITLE SHALL BE AS PROVIDED BY THE GOVERNOR IN THE
14 STATE BUDGET.

15 (B) THE STATE BOARD SHALL DISTRIBUTE AVAILABLE FUNDS TO
16 QUALIFYING JUDICIAL CANDIDATES ON A FIRST-COME, FIRST-SERVED BASIS.

17 15.5–111.

18 (A) A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR
19 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR
20 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR EACH VIOLATION.

21 (B) THE STATE BOARD MAY BAR AN INDIVIDUAL WHO VIOLATES THIS TITLE
22 FROM FURTHER PARTICIPATION IN THE SYSTEM OF PUBLIC CAMPAIGN FINANCING
23 ESTABLISHED UNDER THIS TITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2019.