
By: **Delegates Hurson, Barkley, Barve, Benson, Billings, Bobo, Brinkley, Bronrott, Cadden, Carlson, Clagett, Conroy, DeCarlo, Dembrow, Dobson, Doory, Dypski, Finifter, Frush, Goldwater, Griffith, Grosfeld, Hubers, James, Kittleman, Leopold, Love, Mandel, McIntosh, Montague, Owings, Pendergrass, Riley, Rosenberg, Shank, and Turner**

Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Public Campaign Financing Act for Candidates for the**
3 **General Assembly**

4 FOR the purpose of establishing a system of public campaign financing for candidates
5 for the General Assembly, to be administered by the State Board of Elections
6 with the assistance of the Comptroller; defining certain terms; creating the
7 Public Campaign Financing Fund for Candidates for the General Assembly and
8 providing for the inclusion of certain money in the Fund; establishing certain
9 procedures, requirements, and conditions for participation in the Fund and for
10 the distribution of revenues from the Fund; requiring that candidates
11 participating in the Fund adhere to certain expenditure limitations, subject to
12 certain exceptions; providing for certain penalties; requiring the Comptroller to
13 perform certain duties in connection with the establishment, maintenance, and
14 administration of the Fund; authorizing certain taxpayers to make certain
15 contributions and receive certain tax advantages for certain contributions and
16 donations made under the Act; authorizing certain candidates to be listed on the
17 ballot in a certain manner; and generally relating to the Public Campaign
18 Financing Act for Candidates for the General Assembly.

19 BY adding to
20 Article 33 - Election Code
21 Section 15A-101 through 15A-111, inclusive, to be under the new title "Title
22 15A. Public Campaign Financing Act for Candidates for the General
23 Assembly"
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article - Tax - General
28 Section 10-208(a)

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 2000 Supplement)

3 BY adding to
4 Article - Tax - General
5 Section 10-208(q)
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 2000 Supplement)

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

10 **Article 33 - Election Code**

11 TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE
12 GENERAL ASSEMBLY.

13 15A-101.

14 (A) THE GENERAL ASSEMBLY OF MARYLAND RECOGNIZES THAT A SYSTEM
15 FOR THE PUBLIC FINANCING OF CAMPAIGNS EXISTS FOR CANDIDATES FOR
16 GOVERNOR AND LIEUTENANT GOVERNOR IN THE STATE AND FINDS AND DECLARES
17 THAT A SYSTEM OF PUBLICLY FINANCED CAMPAIGNS FOR CANDIDATES SEEKING
18 ELECTION TO THE GENERAL ASSEMBLY IS IN THE PUBLIC INTEREST OF THE STATE.

19 (B) IN FURTHERANCE OF THIS PUBLIC INTEREST, A SYSTEM OF PUBLIC
20 FINANCING OF ELECTIONS FOR THE GENERAL ASSEMBLY WILL ELIMINATE THE
21 REAL AND PERCEIVED CONFLICTS OF INTEREST THAT ARISE FROM LARGE PRIVATE
22 CONTRIBUTIONS TO CANDIDATES BY PROVIDING THE CANDIDATES A SYSTEM OF
23 PUBLIC RESOURCES THAT WILL:

24 (1) ALLOW VIABLE CANDIDATES TO RUN COMPETITIVE CAMPAIGNS
25 REGARDLESS OF THEIR ACCESS TO WEALTH;

26 (2) INCREASE VOTER CHOICE IN ELECTIONS;

27 (3) CONTROL THE RISING COSTS OF POLITICAL CAMPAIGNS; AND

28 (4) FREE CANDIDATES FROM RELENTLESS FUND-RAISING AND
29 THEREBY ALLOW CANDIDATES TO SERVE THE PUBLIC INTEREST AND NOT JUST THE
30 SPECIAL INTERESTS.

31 (C) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

32 (1) CAMPAIGNS FINANCED WITH PUBLIC RESOURCES WILL HELP
33 RESTORE CONFIDENCE AND TRUST IN GOVERNMENT AND PROMOTE DEMOCRACY BY
34 INCREASING COMPETITION IN ELECTIONS FOR THE GENERAL ASSEMBLY; AND

1 (2) INCREASED COMPETITION IN ELECTIONS WILL CREATE A POLITICAL
2 MARKETPLACE FOR IDEAS AND CAUSE ELECTIONS TO CHANGE FROM
3 WEALTH-BASED CAMPAIGNS TO IDEA-BASED CAMPAIGNS.

4 15A-102.

5 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED
6 UNLESS OTHERWISE PROVIDED.

7 (B) "CANDIDATE" MEANS A CANDIDATE FOR ELECTION AS A MEMBER OF THE
8 HOUSE OF DELEGATES OR SENATE OF MARYLAND.

9 (C) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE TREASURY.

10 (D) "ELIGIBLE CANDIDATE" MEANS A CANDIDATE WHO HAS QUALIFIED TO
11 RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.

12 (E) "ELIGIBLE PRIVATE CONTRIBUTION" MEANS THAT PORTION OF A
13 MONETARY OR IN-KIND CAMPAIGN CONTRIBUTION, OR SERIES OF CONTRIBUTIONS,
14 FROM AN INDIVIDUAL THAT IS NOT LESS THAN \$5 OR MORE THAN \$100 AND THAT
15 MEETS THE REQUIREMENTS OF § 15A-105 OF THIS TITLE.

16 (F) "FUND" MEANS THE PUBLIC CAMPAIGN FINANCING FUND FOR
17 CANDIDATES FOR THE GENERAL ASSEMBLY.

18 (G) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A
19 CANDIDATE ACCORDING TO THE PROVISIONS OF THIS TITLE.

20 (H) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE
21 CONTRIBUTIONS THAT IS:

22 (1) NO MORE THAN \$100 FOR EACH DONOR;

23 (2) RECEIVED NO EARLIER THAN 1 YEAR, AND NO LATER THAN 2
24 MONTHS, BEFORE THE DATE OF THE PRIMARY ELECTION; AND

25 (3) CONSISTS OF ELIGIBLE PRIVATE CONTRIBUTIONS.

26 (I) "TREASURER" INCLUDES A CAMPAIGN SUBTREASURER.

27 15A-103.

28 (A) (1) A CANDIDATE WHO APPLIES FOR AND ACCEPTS A PUBLIC
29 CONTRIBUTION FROM THE FUND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN
30 AMOUNT IN EXCESS OF:

31 (I) \$45,000 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF
32 DELEGATES; OR

33 (II) \$90,000 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF
34 MARYLAND.

1 (2) EFFECTIVE JULY 1 OF EACH YEAR, THE STATE BOARD SHALL ADJUST
2 THE EXPENDITURE AMOUNTS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IN
3 ACCORDANCE WITH THE CONSUMER PRICE INDEX IN THE PRECEDING CALENDAR
4 YEAR, USING AS THE CONSUMER PRICE INDEX THE AVERAGE OF THE CONSUMER
5 PRICE INDICES (ALL URBAN CONSUMERS, ALL ITEM INDEX) PUBLISHED BY THE
6 UNITED STATES DEPARTMENT OF LABOR FOR THE WASHINGTON, D.C.-BALTIMORE
7 MSA.

8 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CANDIDATE
9 SUBJECT TO THIS SECTION MAY EXPEND NOT MORE THAN 50% OF THE EXPENDITURE
10 LIMIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION IN THE PRIMARY
11 ELECTION AND NOT MORE THAN 50% OF THAT EXPENDITURE LIMIT IN THE GENERAL
12 ELECTION.

13 (2) A CANDIDATE WHO IS UNOPPOSED IN A PRIMARY OR GENERAL
14 ELECTION IS ELIGIBLE TO RECEIVE ONE-HALF OF THE MAXIMUM AMOUNT
15 ALLOWED UNDER THIS TITLE FOR CANDIDATES FOR ELECTION TO THE OFFICE THAT
16 THE CANDIDATE SEEKS.

17 (3) A CANDIDATE WHO IS THE ONLY CANDIDATE FILED FOR THE OFFICE
18 THAT THE CANDIDATE SEEKS IS NOT ELIGIBLE TO RECEIVE A PUBLIC
19 CONTRIBUTION FOR THAT ELECTION.

20 (C) (1) A STATE OR LOCAL PARTISAN CENTRAL COMMITTEE MAY NOT:

21 (I) MAKE AN EXPENDITURE ON BEHALF OF AN ELIGIBLE
22 CANDIDATE IN A PRIMARY ELECTION; AND

23 (II) EXPEND AN AMOUNT THAT EXCEEDS 10% OF THE
24 EXPENDITURE LIMIT APPLICABLE TO AN ELIGIBLE CANDIDATE UNDER THIS TITLE
25 ON BEHALF OF THAT ELIGIBLE CANDIDATE IN ANY GENERAL ELECTION.

26 (2) AN EXPENDITURE MADE BY A STATE OR LOCAL PARTISAN CENTRAL
27 COMMITTEE ON BEHALF OF AN ELIGIBLE CANDIDATE UNDER PARAGRAPH (1)(II) OF
28 THIS SUBSECTION IS NOT SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO
29 THAT ELIGIBLE CANDIDATE UNDER THIS TITLE.

30 (3) AN EXPENDITURE MADE BY A POLITICAL CAMPAIGN COMMITTEE
31 FOR A SLATE WHICH INCLUDES AN ELIGIBLE CANDIDATE SHALL BE SUBJECT TO THE
32 EXPENDITURE LIMIT APPLICABLE TO THAT ELIGIBLE CANDIDATE UNDER THIS TITLE
33 ON A PRO RATA BASIS CALCULATED BY DIVIDING THE ENTIRE EXPENDITURE BY THE
34 NUMBER OF CANDIDATES ON THE SLATE.

35 (D) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
36 PARAGRAPH, A PERSON WHO MAKES AN INDEPENDENT EXPENDITURE UNDER §
37 13-504 OF THIS ARTICLE ON BEHALF OF AN ELIGIBLE CANDIDATE SHALL FILE A
38 REPORT OF THE EXPENDITURE WITH THE STATE BOARD WITHIN 5 BUSINESS DAYS
39 OF THE EXPENDITURE.

1 (II) A PERSON WHO MAKES AN INDEPENDENT EXPENDITURE
2 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON BEHALF OF AN ELIGIBLE
3 CANDIDATE DURING THE PERIOD THAT IS WITHIN 7 DAYS OF A PRIMARY OR
4 GENERAL ELECTION SHALL FILE A REPORT OF THE EXPENDITURE WITH THE STATE
5 BOARD WITHIN 24 HOURS OF THE EXPENDITURE.

6 (2) IF AN INDEPENDENT EXPENDITURE DESCRIBED IN PARAGRAPH (1)
7 OF THIS SUBSECTION IS MADE ON BEHALF OF AN ELIGIBLE CANDIDATE, THE
8 CHALLENGER MAY EXCEED THE SPENDING LIMITS SPECIFIED UNDER THIS
9 SUBTITLE TO THE EXTENT OF THE AMOUNT OF THE INDEPENDENT EXPENDITURE.

10 (E) (1) IF A CANDIDATE WHO IS NOT CERTIFIED AS AN ELIGIBLE
11 CANDIDATE UNDER THIS TITLE FILES A CAMPAIGN FINANCE REPORT THAT
12 INDICATES THAT THE SUM OF THE EXPENDITURES OR OBLIGATIONS MADE BY THE
13 CANDIDATE OR THE FUNDS RAISED OR BORROWED BY THE CANDIDATE, WHICHEVER
14 IS GREATER, TOGETHER WITH ANY INDEPENDENT EXPENDITURES AUTHORIZED BY
15 THE CANDIDATE, EXCEED THE DISTRIBUTION AMOUNT MADE TO AN OPPOSING
16 ELIGIBLE CANDIDATE UNDER THIS TITLE, THE STATE BOARD SHALL DISTRIBUTE TO
17 EACH ELIGIBLE CANDIDATE IN THAT CONTEST AN ADDITIONAL AMOUNT THAT IS
18 EQUIVALENT TO THE EXCESS CONTRIBUTION AMOUNT REPORTED BY THE
19 CANDIDATE WHO IS NOT SUBJECT TO THIS TITLE.

20 (2) THE STATE BOARD MAY NOT MAKE A MATCHING ADDITIONAL
21 CONTRIBUTION AMOUNT TO AN ELIGIBLE CANDIDATE UNDER THIS TITLE THAT
22 EXCEEDS TWO TIMES THE AMOUNT OF THE DISTRIBUTION THAT THE ELIGIBLE
23 CANDIDATE IS ENTITLED TO RECEIVE UNDER SUBSECTION (A) OF THIS SECTION.

24 (F) AN ELIGIBLE CANDIDATE WHO RECEIVES A DISTRIBUTION FROM THE
25 FUND MAY NOT MAKE A CONTRIBUTION IN EXCESS OF \$100 IN PERSONAL FUNDS IN
26 SEED MONEY OR \$1500 IN PERSONAL FUNDS IN OTHER CONTRIBUTIONS TO THE
27 CANDIDATE'S OWN CAMPAIGN.

28 (G) THE CANDIDATE AND ANY CHAIRMAN OR TREASURER ASSOCIATED WITH
29 THE EXPENDITURE ARE JOINTLY AND SEVERALLY LIABLE CIVILLY AND CRIMINALLY
30 FOR ANY EXPENDITURE MADE IN VIOLATION OF THIS SECTION.

31 15A-104.

32 (A) (1) THERE IS A PUBLIC CAMPAIGN FINANCING FUND FOR CANDIDATES
33 FOR THE GENERAL ASSEMBLY ADMINISTERED BY THE COMPTROLLER AND THE
34 STATE BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

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

37 (3) THE COMPTROLLER SHALL CREDIT TO THE FUND ALL MONEY
38 COLLECTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

39 (B) FOR EVERY INDIVIDUAL OTHER THAN A NONRESIDENT ALIEN FILING A
40 PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL ESTABLISH, FOR

1 EACH TAXABLE YEAR, A TAX ADD-ON SYSTEM THAT ALLOWS DONATIONS TO THE
2 FUND NOT TO EXCEED \$100 PER TAX FILER.

3 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX ADD-ON SYSTEM
4 UNDER SUBSECTION (B) OF THIS SECTION, THE FUND SHALL CONSIST OF THE
5 FOLLOWING MONEY TO BE CREDITED TO THE FUND:

6 (1) REVENUES FROM THE GENERAL FUND OF THE STATE;

7 (2) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

8 (3) UNSPENT MONEY THAT IS RETURNED TO THE FUND BY ELIGIBLE
9 CANDIDATES UNDER THIS TITLE; AND

10 (4) FINES COLLECTED BY THE STATE BOARD UNDER THIS TITLE.

11 (D) IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, THE
12 COMPTROLLER SHALL MAKE DISBURSEMENTS FROM THE FUND PROMPTLY UPON
13 RECEIPT OF AN AUTHORIZED REQUEST FROM THE STATE BOARD.

14 (E) THE COMPTROLLER SHALL ADMINISTER THE FUND AND INVEST AND
15 REINVEST THE MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

16 (F) ANY MONEY REMAINING IN THE FUND AFTER DISBURSEMENTS TO
17 ELIGIBLE CANDIDATES SHALL BE RECREDITED TO THE FUND FOR THE PURPOSES
18 PROVIDED IN THIS TITLE.

19 15A-105.

20 (A) SUBJECT TO THE OTHER REQUIREMENTS OF THIS TITLE, THE STATE
21 BOARD SHALL INITIATE THE DISTRIBUTION OF ONE-HALF OF THE MONEY IN THE
22 FUND NO LATER THAN MAY 1 OF THE YEAR OF THE ELECTION TO ELIGIBLE
23 CANDIDATES IN THE PRIMARY ELECTION ON A CONTINUING BASIS AND THE
24 REMAINING MONEY IN THE FUND PROMPTLY AFTER THE PRIMARY ELECTION TO
25 ELIGIBLE CANDIDATES IN THE GENERAL ELECTION.

26 (B) THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE
27 PURPOSES AND REQUIREMENTS OF THIS TITLE THAT INCLUDE PROVISIONS FOR:

28 (1) THE MANNER AND DATE BY WHICH A CANDIDATE SHALL NOTIFY
29 THE STATE BOARD THAT THE CANDIDATE INTENDS TO QUALIFY FOR PUBLIC
30 CONTRIBUTIONS;

31 (2) THE DEADLINE FOR CANDIDATES TO SUBMIT REQUESTS FOR PUBLIC
32 CONTRIBUTIONS;

33 (3) THE DATES THAT THE STATE BOARD IS TO ORDER, AND THE
34 COMPTROLLER IS TO MAKE, DISBURSEMENTS OF PUBLIC CONTRIBUTIONS TO
35 ELIGIBLE CANDIDATES IN ACCORDANCE WITH THIS TITLE;

1 (4) PRO RATA DISTRIBUTIONS IN THE EVENT THERE IS NOT SUFFICIENT
2 MONEY IN THE FUND;

3 (5) A FORMULA FOR DISTRIBUTING SUPPLEMENTARY PUBLIC
4 CONTRIBUTIONS TO THE OTHER ELIGIBLE CANDIDATES IF:

5 (I) AN ELIGIBLE CANDIDATE FAILS TO REQUEST A PUBLIC
6 CONTRIBUTION;

7 (II) AN ELIGIBLE CANDIDATE WITHDRAWS AS A CANDIDATE,
8 BECOMES DISQUALIFIED, OR DIES; OR

9 (III) ADDITIONAL FUNDS BECOME AVAILABLE;

10 (6) STANDARDS FOR APPLYING EXPENDITURES BY POLITICAL
11 COMMITTEES AND SLATES AFFILIATED WITH AN ELIGIBLE CANDIDATE TO THE
12 EXPENDITURE LIMIT OF THE CANDIDATE;

13 (7) SPECIFIED THRESHOLDS FOR IN-KIND CONTRIBUTIONS THAT WILL
14 NOT BE DEEMED CONTRIBUTIONS OR EXPENDITURES FOR THE PURPOSES OF THIS
15 TITLE;

16 (8) DISTRIBUTIONS TO:

17 (I) UNOPPOSED CANDIDATES;

18 (II) CANDIDATES WHO ARE NOT MEMBERS OF THE TWO PRINCIPAL
19 POLITICAL PARTIES; AND

20 (III) WRITE-IN CANDIDATES; AND

21 (9) PROHIBITED USES OF PUBLIC CONTRIBUTIONS.

22 (C) (1) THE STATE BOARD MAY REQUEST THE ASSISTANCE OF THE
23 COMPTROLLER IN THE ADMINISTRATION OF THIS TITLE.

24 (2) THE COMPTROLLER SHALL SUBMIT A STATEMENT OF THE FUND'S
25 BALANCE TO THE STATE BOARD AS OF MAY 15 OF EACH YEAR.

26 (D) (1) THE COMPTROLLER SHALL DISBURSE PUBLIC CONTRIBUTIONS TO A
27 SINGLE CAMPAIGN DEPOSITORY OF AN ELIGIBLE CANDIDATE, AS PROVIDED IN §
28 13-204(A) OF THIS ARTICLE.

29 (2) ONLY THE STATE BOARD MAY ORDER A DISBURSEMENT FROM THE
30 FUND.

31 15A-106.

32 (A) ON THE DATE ESTABLISHED BY REGULATION UNDER § 15A-105(B) OF THIS
33 TITLE, A CANDIDATE IS ENTITLED TO A PUBLIC CONTRIBUTION IF:

1 (1) THE REQUIRED SEED MONEY RAISED BY THE CANDIDATE:

2 (I) IS NOT LESS THAN \$3,000 NOR MORE THAN \$5,000 FOR A
3 CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES; AND

4 (II) IS NOT LESS THAN \$7,000 NOR MORE THAN \$10,000 FOR A
5 CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND;

6 (2) THE ELIGIBLE PRIVATE CONTRIBUTIONS ARE REFUNDABLE ONLY IN
7 THE EVENT OF THE WITHDRAWAL OF THE CANDIDATE'S NAME FROM THE BALLOT;
8 AND

9 (3) THE CANDIDATE'S TREASURER CERTIFIES, ON FORMS PRESCRIBED
10 BY THE STATE BOARD, THAT THE ELIGIBLE PRIVATE CONTRIBUTIONS WERE RAISED
11 IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

12 (B) (1) THE STATE BOARD SHALL ORDER DISBURSEMENTS FROM THE FUND
13 TO ELIGIBLE CANDIDATES IN AN AMOUNT EQUAL TO 75% OF THE EXPENDITURE
14 LIMIT SPECIFIED FOR THAT OFFICE UNDER § 15A-103 OF THIS TITLE IN ACCORDANCE
15 WITH THE DISTRIBUTION SCHEDULE FOR THE PRIMARY AND GENERAL ELECTIONS
16 DETERMINED BY THE STATE BOARD.

17 (2) AN ELIGIBLE CANDIDATE MAY RAISE THE REMAINING 25% OF THE
18 EXPENDITURE LIMIT SPECIFIED FOR THAT OFFICE UNDER § 15A-103 OF THIS TITLE
19 IN ELIGIBLE PRIVATE CONTRIBUTIONS OR TRANSFERS OF \$100 OR LESS FROM ANY
20 INDIVIDUALS, POLITICAL COMMITTEES, OR POLITICAL PARTIES.

21 (C) (1) THE STATE BOARD SHALL ORDER DISBURSEMENT OF MONEY IN THE
22 FUND, INCLUDING MONEY REMAINING FROM THE PORTION DESIGNATED FOR THE
23 PRIMARY ELECTION, AS PROVIDED IN THIS SUBSECTION.

24 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IN THE GENERAL
25 ELECTION, ALL ELIGIBLE CANDIDATES WHO ARE NOMINEES SHALL RECEIVE EQUAL
26 SHARES OF THE FUND.

27 (3) IF A CANDIDATE IS UNOPPOSED ON THE GENERAL ELECTION
28 BALLOT, THE CANDIDATE MAY NOT RECEIVE PUBLIC CONTRIBUTIONS FOR THE
29 GENERAL ELECTION.

30 (4) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN ELIGIBLE
31 CANDIDATE WHO DID NOT RECEIVE PUBLIC CONTRIBUTIONS IN THE PRIMARY
32 ELECTION, BUT IS A NOMINEE IN THE GENERAL ELECTION, SHALL RECEIVE A
33 PUBLIC CONTRIBUTION IN THE GENERAL ELECTION ONLY IF THE CANDIDATE DID
34 NOT SPEND MORE THAN THE MAXIMUM EXPENDITURE LIMIT PERMITTED FOR
35 ELIGIBLE CANDIDATES IN THE PRIMARY ELECTION.

36 (5) IN ACCORDANCE WITH § 15A-104(D), THE STATE BOARD SHALL
37 REQUEST THE COMPTROLLER TO MAKE DISBURSEMENTS FROM THE FUND
38 PROMPTLY AFTER THE CERTIFICATION OF PRIMARY ELECTION RESULTS AND IN

1 ACCORDANCE WITH THE STATE BOARD'S DISTRIBUTION SCHEDULE ESTABLISHED
2 UNDER § 15A-105 OF THIS TITLE.

3 15A-107.

4 A CANDIDATE NOT AFFILIATED WITH A POLITICAL PARTY IS ENTITLED TO A
5 DISTRIBUTION FROM THE FUND TO THE SAME EXTENT AND AT THE SAME TIME
6 DISTRIBUTIONS ARE MADE TO ELIGIBLE CANDIDATES IN AN UNCONTESTED
7 PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION.

8 15A-108.

9 (A) A PUBLIC CONTRIBUTION MAY BE EXPENDED ONLY:

10 (1) WITH THE AUTHORITY OF THE CANDIDATE OR THE CANDIDATE'S
11 TREASURER;

12 (2) FOR REASONABLE EXPENSES TO FURTHER THE CANDIDATE'S
13 NOMINATION OR ELECTION;

14 (3) FOR EXPENSES INCURRED NOT LATER THAN 30 DAYS AFTER THE
15 ELECTION FOR WHICH THE EXPENSES WERE MADE; AND

16 (4) FOR PURPOSES THAT DO NOT VIOLATE STATE LAW.

17 (B) A PUBLIC CONTRIBUTION MAY NOT BE EXPENDED FOR THE PERSONAL
18 USE OF THE CANDIDATE.

19 (C) (1) AN UNSPENT PORTION OF A PUBLIC CONTRIBUTION SHALL BE
20 REPAID TO THE COMPTROLLER FOR REDEPOSIT IN THE FUND NO LATER THAN 60
21 DAYS FOLLOWING THE ELECTION FOR WHICH THE PUBLIC CONTRIBUTION WAS
22 GRANTED.

23 (2) IN COMPUTING WHETHER THERE IS AN UNSPENT PART OF A PUBLIC
24 CONTRIBUTION, ALL PRIVATE CONTRIBUTIONS TO THE CANDIDATE SHALL BE
25 PRESUMED AS SPENT PRIOR TO ANY EXPENDITURE OF THE PUBLIC CONTRIBUTION.

26 (D) A CANDIDATE AND THE CANDIDATE'S TREASURER ARE JOINTLY AND
27 SEVERALLY PERSONALLY LIABLE FOR REPAYING TO THE COMPTROLLER ANY PART
28 OF A PUBLIC CONTRIBUTION THAT WAS UNSPENT OR THAT WAS SPENT IN
29 VIOLATION OF THIS SECTION.

30 15A-109.

31 IF THE CANDIDATE SO DIRECTS, THE STATE BOARD SHALL DIRECT THAT AN
32 ELIGIBLE CANDIDATE IS DESIGNATED ON THE BALLOT AS A PARTICIPANT IN THE
33 PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL ASSEMBLY.

1 15A-110.

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
4 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

5 15A-111.

6 THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR
7 CANDIDATES FOR THE GENERAL ASSEMBLY.

8 **Article - Tax - General**

9 10-208.

10 (a) In addition to the modification under § 10-207 of this subtitle, the
11 amounts under this section are subtracted from the federal adjusted gross income of
12 a resident to determine Maryland adjusted gross income.

13 (Q) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES:

14 (1) A CONTRIBUTION, NOT TO EXCEED \$100, MADE TO AN ELIGIBLE
15 CANDIDATE AS SEED MONEY OR AS ANY OTHER CONTRIBUTION UNDER ARTICLE 33,
16 TITLE 15A OF THE CODE; AND

17 (2) A DONATION, NOT TO EXCEED \$100, MADE DIRECTLY TO THE PUBLIC
18 CAMPAIGN FINANCING FUND FOR CANDIDATES FOR THE GENERAL ASSEMBLY
19 ESTABLISHED UNDER ARTICLE 33, TITLE 15A OF THE CODE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with §
21 15A-104(c) of this title, the Governor shall include an appropriation in the fiscal year
22 2003 budget of the State Board of Elections that is sufficient to provide for the system
23 of public campaign financing of elections for candidates for the General Assembly
24 established by this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.