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Owings, Pendergrass, Pitkin, Riley, Rosenberg, Shank, and Turner

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CHAPTER _____

1 AN ACT concerning

2 **Election Laws - Public Campaign Financing Act for Candidates for the**
3 **General Assembly Study Commission on Public Funding of Campaigns in**
4 **Maryland**

5 FOR the purpose of establishing a system of public campaign financing for candidates
6 for the General Assembly, to be administered by the State Board of Elections
7 with the assistance of the Comptroller; defining certain terms; creating the
8 **Public Campaign Financing Fund for Candidates for the General Assembly and**
9 **providing for the inclusion of certain money in the Fund; establishing certain**
10 **procedures, requirements, and conditions for participation in the Fund and for**
11 **the distribution of revenues from the Fund; requiring that candidates**
12 **participating in the Fund adhere to certain expenditure limitations, subject to**
13 **certain exceptions; providing for certain penalties; requiring the Comptroller to**
14 **perform certain duties in connection with the establishment, maintenance, and**
15 **administration of the Fund; authorizing certain taxpayers to make certain**
16 **contributions and receive certain tax advantages for certain contributions and**
17 **donations made under the Act; authorizing certain candidates to be listed on the**
18 **ballot in a certain manner; and generally relating to the Public Campaign**
19 **Financing Act for Candidates for the General Assembly Study Commission on**
20 **Public Funding of Campaigns in Maryland; specifying the composition, powers,**
21 **and duties of the Commission; providing for the staffing of the Commission;**
22 **requiring the Commission to report its findings and recommendations, including**
23 **suggested legislative changes, to the Governor and the General Assembly by a**
24 **certain date; providing for the termination of the Commission; and generally**

1 relating to the Study Commission on Public Funding of Campaigns in Maryland.

2 ~~BY adding to~~

3 ~~Article 33—Election Code~~

4 ~~Section 15A-101 through 15A-111, inclusive, to be under the new title "Title~~

5 ~~15A. Public Campaign Financing Act for Candidates for the General~~

6 ~~Assembly"~~

7 ~~Annotated Code of Maryland~~

8 ~~(1997 Replacement Volume and 2000 Supplement)~~

9 ~~BY repealing and reenacting, without amendments,~~

10 ~~Article Tax—General~~

11 ~~Section 10-208(a)~~

12 ~~Annotated Code of Maryland~~

13 ~~(1997 Replacement Volume and 2000 Supplement)~~

14 ~~BY adding to~~

15 ~~Article Tax—General~~

16 ~~Section 10-208(e)~~

17 ~~Annotated Code of Maryland~~

18 ~~(1997 Replacement Volume and 2000 Supplement)~~

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That ~~the Laws of Maryland read as follows:~~

21 (a) There is a Study Commission on Public Funding of Campaigns in

22 Maryland.

23 (b) The Commission shall consist of the following 19 members:

24 (1) Five individuals, four of whom shall be members of the Senate of

25 Maryland, appointed by the President of the Senate, including one senator

26 representing the minority party in the Senate;

27 (2) Five individuals, four of whom shall be members of the House of

28 Delegates, appointed by the Speaker of the House, including one delegate

29 representing the minority party; and

30 (3) Nine individuals, at least five of whom shall be members of a political

31 party other than that of the Governor, appointed by the Governor, including:

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

33 (ii) A member of the State Ethics Commission;

34 (iii) A regulated lobbyist; and

35 (iv) Six additional individuals.

- 1 (c) The Chairman of the Commission shall be designated by the Governor.
- 2 (d) The Department of Legislative Services and the State Board of Elections
3 shall provide staff for the Commission.
- 4 (e) The Commission shall:
- 5 (1) Examine the practice of public funding of state legislative campaigns
6 in the United States;
- 7 (2) Examine the State election code as it relates to changes needed to
8 have public funding of election campaigns;
- 9 (3) Collect information about campaign financing practices and
10 standards for other jurisdictions;
- 11 (4) If appropriate, propose recommendations for implementing a system
12 of public financing of statewide and legislative election campaigns in Maryland;
- 13 (5) Consider issues related to campaign contributions, including:
- 14 (i) The types of individuals, corporations, political action
15 committees (PACs), unions, and other persons who make campaign contributions for
16 elections in Maryland;
- 17 (ii) The role played by PACs in election campaigns in Maryland;
- 18 (iii) The impact and practicability of current limits on contributions
19 or transfers that may be made by individuals, PACs, or other persons during an
20 election cycle;
- 21 (iv) The effectiveness of current disclosure requirements in
22 Maryland and in other states in providing detailed and accessible information to the
23 public regarding expenditures by candidates, candidate slates, campaign committees,
24 and political action committees; and
- 25 (v) The role and prevalence of "issue ads" and other independent
26 expenditures under the current Maryland campaign finance laws;
- 27 (6) Receive testimony, as the Commission considers appropriate; and
- 28 (7) On or before December 31, 2001, report its findings and
29 recommendations, including any proposed statutory changes to the Maryland
30 campaign finance laws, to the Governor and, subject to § 2-1246 of the State
31 Government Article, to the General Assembly for consideration by the General
32 Assembly in the 2002 Session.
- 33 (f) The Commission shall terminate its existence after June 30, 2002.

Article 33 – Election Code~~TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE
GENERAL ASSEMBLY.~~~~15A-101.~~

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

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

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

~~(2) INCREASE VOTER CHOICE IN ELECTIONS;~~

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

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

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

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

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

~~15A-102.~~

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

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

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

1 ~~(D) "ELIGIBLE CANDIDATE" MEANS A CANDIDATE WHO HAS QUALIFIED TO~~
2 ~~RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.~~

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

7 ~~(F) "FUND" MEANS THE PUBLIC CAMPAIGN FINANCING FUND FOR~~
8 ~~CANDIDATES FOR THE GENERAL ASSEMBLY.~~

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

11 ~~(H) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE~~
12 ~~CONTRIBUTIONS THAT IS:~~

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

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

16 ~~(3) CONSISTS OF ELIGIBLE PRIVATE CONTRIBUTIONS.~~

17 ~~(I) "TREASURER" INCLUDES A CAMPAIGN SUBTREASURER.~~

18 ~~15A-103.~~

19 ~~(A) (1) A CANDIDATE WHO APPLIES FOR AND ACCEPTS A PUBLIC~~
20 ~~CONTRIBUTION FROM THE FUND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN~~
21 ~~AMOUNT IN EXCESS OF:~~

22 ~~(I) \$45,000 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF~~
23 ~~DELEGATES; OR~~

24 ~~(II) \$90,000 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF~~
25 ~~MARYLAND.~~

26 ~~(2) EFFECTIVE JULY 1 OF EACH YEAR, THE STATE BOARD SHALL ADJUST~~
27 ~~THE EXPENDITURE AMOUNTS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IN~~
28 ~~ACCORDANCE WITH THE CONSUMER PRICE INDEX IN THE PRECEDING CALENDAR~~
29 ~~YEAR, USING AS THE CONSUMER PRICE INDEX THE AVERAGE OF THE CONSUMER~~
30 ~~PRICE INDICES (ALL URBAN CONSUMERS, ALL ITEM INDEX) PUBLISHED BY THE~~
31 ~~UNITED STATES DEPARTMENT OF LABOR FOR THE WASHINGTON, D.C. BALTIMORE~~
32 ~~MSA.~~

33 ~~(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CANDIDATE~~
34 ~~SUBJECT TO THIS SECTION MAY EXPEND NOT MORE THAN 50% OF THE EXPENDITURE~~
35 ~~LIMIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION IN THE PRIMARY~~

~~1 ELECTION AND NOT MORE THAN 50% OF THAT EXPENDITURE LIMIT IN THE GENERAL
2 ELECTION.~~

~~3 (2) A CANDIDATE WHO IS UNOPPOSED IN A PRIMARY OR GENERAL
4 ELECTION IS ELIGIBLE TO RECEIVE ONE HALF OF THE MAXIMUM AMOUNT
5 ALLOWED UNDER THIS TITLE FOR CANDIDATES FOR ELECTION TO THE OFFICE THAT
6 THE CANDIDATE SEEKS.~~

~~7 (3) A CANDIDATE WHO IS THE ONLY CANDIDATE FILED FOR THE OFFICE
8 THAT THE CANDIDATE SEEKS IS NOT ELIGIBLE TO RECEIVE A PUBLIC
9 CONTRIBUTION FOR THAT ELECTION.~~

~~10 (C) (1) A STATE OR LOCAL PARTISAN CENTRAL COMMITTEE MAY NOT:~~

~~11 (I) MAKE AN EXPENDITURE ON BEHALF OF AN ELIGIBLE
12 CANDIDATE IN A PRIMARY ELECTION; AND~~

~~13 (II) EXPEND AN AMOUNT THAT EXCEEDS 10% OF THE
14 EXPENDITURE LIMIT APPLICABLE TO AN ELIGIBLE CANDIDATE UNDER THIS TITLE
15 ON BEHALF OF THAT ELIGIBLE CANDIDATE IN ANY GENERAL ELECTION.~~

~~16 (2) AN EXPENDITURE MADE BY A STATE OR LOCAL PARTISAN CENTRAL
17 COMMITTEE ON BEHALF OF AN ELIGIBLE CANDIDATE UNDER PARAGRAPH (1)(II) OF
18 THIS SUBSECTION IS NOT SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO
19 THAT ELIGIBLE CANDIDATE UNDER THIS TITLE.~~

~~20 (3) AN EXPENDITURE MADE BY A POLITICAL CAMPAIGN COMMITTEE
21 FOR A SLATE WHICH INCLUDES AN ELIGIBLE CANDIDATE SHALL BE SUBJECT TO THE
22 EXPENDITURE LIMIT APPLICABLE TO THAT ELIGIBLE CANDIDATE UNDER THIS TITLE
23 ON A PRO RATA BASIS CALCULATED BY DIVIDING THE ENTIRE EXPENDITURE BY THE
24 NUMBER OF CANDIDATES ON THE SLATE.~~

~~25 (D) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
26 PARAGRAPH, A PERSON WHO MAKES AN INDEPENDENT EXPENDITURE UNDER §
27 13-504 OF THIS ARTICLE ON BEHALF OF AN ELIGIBLE CANDIDATE SHALL FILE A
28 REPORT OF THE EXPENDITURE WITH THE STATE BOARD WITHIN 5 BUSINESS DAYS
29 OF THE EXPENDITURE.~~

~~30 (II) A PERSON WHO MAKES AN INDEPENDENT EXPENDITURE
31 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ON BEHALF OF AN ELIGIBLE
32 CANDIDATE DURING THE PERIOD THAT IS WITHIN 7 DAYS OF A PRIMARY OR
33 GENERAL ELECTION SHALL FILE A REPORT OF THE EXPENDITURE WITH THE STATE
34 BOARD WITHIN 24 HOURS OF THE EXPENDITURE.~~

~~35 (2) IF AN INDEPENDENT EXPENDITURE DESCRIBED IN PARAGRAPH (1)
36 OF THIS SUBSECTION IS MADE ON BEHALF OF AN ELIGIBLE CANDIDATE, THE
37 CHALLENGER MAY EXCEED THE SPENDING LIMITS SPECIFIED UNDER THIS
38 SUBTITLE TO THE EXTENT OF THE AMOUNT OF THE INDEPENDENT EXPENDITURE.~~

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

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

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

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

~~15A-104.~~

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

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

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

~~(B) FOR EVERY INDIVIDUAL OTHER THAN A NONRESIDENT ALIEN FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX ADD-ON SYSTEM THAT ALLOWS DONATIONS TO THE FUND NOT TO EXCEED \$100 PER TAX FILER.~~

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

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

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

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

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

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

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

9 (F) ANY MONEY REMAINING IN THE FUND AFTER DISBURSEMENTS TO
10 ELIGIBLE CANDIDATES SHALL BE RECREDITED TO THE FUND FOR THE PURPOSES
11 PROVIDED IN THIS TITLE.

12 15A-105.

13 (A) SUBJECT TO THE OTHER REQUIREMENTS OF THIS TITLE, THE STATE
14 BOARD SHALL INITIATE THE DISTRIBUTION OF ONE HALF OF THE MONEY IN THE
15 FUND NO LATER THAN MAY 1 OF THE YEAR OF THE ELECTION TO ELIGIBLE
16 CANDIDATES IN THE PRIMARY ELECTION ON A CONTINUING BASIS AND THE
17 REMAINING MONEY IN THE FUND PROMPTLY AFTER THE PRIMARY ELECTION TO
18 ELIGIBLE CANDIDATES IN THE GENERAL ELECTION.

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

21 (1) THE MANNER AND DATE BY WHICH A CANDIDATE SHALL NOTIFY
22 THE STATE BOARD THAT THE CANDIDATE INTENDS TO QUALIFY FOR PUBLIC
23 CONTRIBUTIONS;

24 (2) THE DEADLINE FOR CANDIDATES TO SUBMIT REQUESTS FOR PUBLIC
25 CONTRIBUTIONS;

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

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

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

33 (I) AN ELIGIBLE CANDIDATE FAILS TO REQUEST A PUBLIC
34 CONTRIBUTION;

35 (II) AN ELIGIBLE CANDIDATE WITHDRAWS AS A CANDIDATE,
36 BECOMES DISQUALIFIED, OR DIES; OR

1 (III) ~~ADDITIONAL FUNDS BECOME AVAILABLE;~~

2 (6) ~~STANDARDS FOR APPLYING EXPENDITURES BY POLITICAL~~
3 ~~COMMITTEES AND SLATES AFFILIATED WITH AN ELIGIBLE CANDIDATE TO THE~~
4 ~~EXPENDITURE LIMIT OF THE CANDIDATE;~~

5 (7) ~~SPECIFIED THRESHOLDS FOR IN-KIND CONTRIBUTIONS THAT WILL~~
6 ~~NOT BE DEEMED CONTRIBUTIONS OR EXPENDITURES FOR THE PURPOSES OF THIS~~
7 ~~TITLE;~~

8 (8) ~~DISTRIBUTIONS TO:~~

9 (4) ~~UNOPPOSED CANDIDATES;~~

10 (II) ~~CANDIDATES WHO ARE NOT MEMBERS OF THE TWO PRINCIPAL~~
11 ~~POLITICAL PARTIES; AND~~

12 (III) ~~WRITE-IN CANDIDATES; AND~~

13 (9) ~~PROHIBITED USES OF PUBLIC CONTRIBUTIONS.~~

14 (C) (1) ~~THE STATE BOARD MAY REQUEST THE ASSISTANCE OF THE~~
15 ~~COMPTROLLER IN THE ADMINISTRATION OF THIS TITLE.~~

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

18 (D) (1) ~~THE COMPTROLLER SHALL DISBURSE PUBLIC CONTRIBUTIONS TO A~~
19 ~~SINGLE CAMPAIGN DEPOSITORY OF AN ELIGIBLE CANDIDATE, AS PROVIDED IN §~~
20 ~~13-204(A) OF THIS ARTICLE.~~

21 (2) ~~ONLY THE STATE BOARD MAY ORDER A DISBURSEMENT FROM THE~~
22 ~~FUND.~~

23 ~~15A-106.~~

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

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

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

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

31 (2) ~~THE ELIGIBLE PRIVATE CONTRIBUTIONS ARE REFUNDABLE ONLY IN~~
32 ~~THE EVENT OF THE WITHDRAWAL OF THE CANDIDATE'S NAME FROM THE BALLOT;~~
33 ~~AND~~

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

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

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

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

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

19 (3) IF A CANDIDATE IS UNOPPOSED ON THE GENERAL ELECTION
20 BALLOT, THE CANDIDATE MAY NOT RECEIVE PUBLIC CONTRIBUTIONS FOR THE
21 GENERAL ELECTION.

22 (4) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN ELIGIBLE
23 CANDIDATE WHO DID NOT RECEIVE PUBLIC CONTRIBUTIONS IN THE PRIMARY
24 ELECTION, BUT IS A NOMINEE IN THE GENERAL ELECTION, SHALL RECEIVE A
25 PUBLIC CONTRIBUTION IN THE GENERAL ELECTION ONLY IF THE CANDIDATE DID
26 NOT SPEND MORE THAN THE MAXIMUM EXPENDITURE LIMIT PERMITTED FOR
27 ELIGIBLE CANDIDATES IN THE PRIMARY ELECTION.

28 (5) IN ACCORDANCE WITH § 15A-104(D), THE STATE BOARD SHALL
29 REQUEST THE COMPTROLLER TO MAKE DISBURSEMENTS FROM THE FUND
30 PROMPTLY AFTER THE CERTIFICATION OF PRIMARY ELECTION RESULTS AND IN
31 ACCORDANCE WITH THE STATE BOARD'S DISTRIBUTION SCHEDULE ESTABLISHED
32 UNDER § 15A-105 OF THIS TITLE.

33 15A-107.

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

38 15A-108.

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

1 (1) ~~WITH THE AUTHORITY OF THE CANDIDATE OR THE CANDIDATE'S~~
2 ~~TREASURER;~~

3 (2) ~~FOR REASONABLE EXPENSES TO FURTHER THE CANDIDATE'S~~
4 ~~NOMINATION OR ELECTION;~~

5 (3) ~~FOR EXPENSES INCURRED NOT LATER THAN 30 DAYS AFTER THE~~
6 ~~ELECTION FOR WHICH THE EXPENSES WERE MADE; AND~~

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

8 (B) ~~A PUBLIC CONTRIBUTION MAY NOT BE EXPENDED FOR THE PERSONAL~~
9 ~~USE OF THE CANDIDATE.~~

10 (C) (1) ~~AN UNSPENT PORTION OF A PUBLIC CONTRIBUTION SHALL BE~~
11 ~~REPAID TO THE COMPTROLLER FOR REDEPOSIT IN THE FUND NO LATER THAN 60~~
12 ~~DAYS FOLLOWING THE ELECTION FOR WHICH THE PUBLIC CONTRIBUTION WAS~~
13 ~~GRANTED.~~

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

17 (D) ~~A CANDIDATE AND THE CANDIDATE'S TREASURER ARE JOINTLY AND~~
18 ~~SEVERALLY PERSONALLY LIABLE FOR REPAYING TO THE COMPTROLLER ANY PART~~
19 ~~OF A PUBLIC CONTRIBUTION THAT WAS UNSPENT OR THAT WAS SPENT IN~~
20 ~~VIOLATION OF THIS SECTION.~~

21 ~~45A-109.~~

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

25 ~~45A-110.~~

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

29 ~~45A-111.~~

30 ~~THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR~~
31 ~~CANDIDATES FOR THE GENERAL ASSEMBLY.~~

1 ~~Article - Tax - General~~2 ~~10-208.~~

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

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

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

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

13 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with §~~
14 ~~15A-104(e) of this title, the Governor shall include an appropriation in the fiscal year~~
15 ~~2003 budget of the State Board of Elections that is sufficient to provide for the system~~
16 ~~of public campaign financing of elections for candidates for the General Assembly~~
17 ~~established by this Act.~~

18 ~~SECTION 3. 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take
19 effect ~~October~~ July 1, 2001.