
By: **Delegates Cardin, Hurson, Anderson, Barkley, Barve, Benson, Bobo, Bronrott, V. Clagett, Cryor, C. Davis, Dumais, Feldman, Franchot, Frush, Goldwater, Gordon, Gutierrez, Heller, Holmes, Hubbard, Jones, Kaiser, Krysiak, Lee, Love, Madaleno, Mandel, McIntosh, Moe, Montgomery, Paige, Parker, Pendergrass, Petzold, Rosenberg, Simmons, Stern, Taylor, F. Turner, and Vallario**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of establishing a system of public financing of campaigns for certain
5 candidates for the General Assembly; establishing an Election Financing
6 Commission to administer the systems of public funding of campaigns;
7 providing for the membership of the Commission and specifying its powers and
8 duties; creating the Public Election Fund and providing for the inclusion of
9 certain money in the Fund; providing that, to the extent allowed under the
10 Constitution and laws of the United States, under certain circumstances certain
11 income of certain corporations that is not apportionable under the Constitution
12 and laws of the United States shall be allocated to the State for income tax
13 purposes and that that money shall be directed to the Fund; defining certain
14 terms; providing that certain provisions of this Act shall be applicable to all
15 taxable years that begin after a certain date; specifying certain procedures,
16 requirements, and conditions participating candidates must meet to receive a
17 distribution from the Fund; requiring that participating candidates adhere to
18 certain campaign expenditure limits, subject to certain exceptions; requiring the
19 Comptroller to perform certain duties in connection with the establishment,
20 maintenance, and administration of the Fund; regulating contributions and
21 expenditures made by political parties on behalf of participating candidates;
22 regulating coordinated expenditures made by or on behalf of participating
23 candidates; specifying certain additional campaign finance reporting
24 requirements for certain candidates; authorizing a citizen to bring civil action in
25 court against certain candidates under certain circumstances; providing for
26 judicial review of certain actions by the Commission; providing for certain
27 penalties; specifying the terms of the initial members of the Commission;
28 providing that certain catch lines are not law and may not be considered to have
29 been enacted as part of this Act; and generally relating to the Public Campaign
30 Financing Act for Candidates for the General Assembly.

1 BY repealing and reenacting, with amendments,
2 Article - Election Law
3 Section 13-235(d)
4 Annotated Code of Maryland
5 (2003 Volume and 2004 Supplement)

6 BY adding to
7 Article - Election Law
8 Section 15A-101 through 15A-120 to be under the new title "Title 15A. Public
9 Campaign Financing Act for Candidates for the General Assembly"
10 Annotated Code of Maryland
11 (2003 Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Tax - General
14 Section 10-402(c)
15 Annotated Code of Maryland
16 (2004 Replacement Volume)

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

19 **Article - Election Law**

20 13-235.

21 (d) (1) Under the Public Financing Act, a gubernatorial ticket, during the
22 year of the election only, may accept eligible private contributions and any
23 disbursement of funds by the State Board that is based on the eligible private
24 contributions.

25 (2) UNDER THE PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES
26 FOR THE GENERAL ASSEMBLY, A PARTICIPATING CANDIDATE, DURING THE YEAR OF
27 THE ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND
28 ANY DISBURSEMENT OF FUNDS BY THE ELECTION FINANCING COMMISSION THAT IS
29 BASED ON THE SEED MONEY OR QUALIFYING CONTRIBUTIONS.

30 TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE
31 GENERAL ASSEMBLY.

32 15A-101. DEFINITIONS.

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

35 (B) "COMMISSION" MEANS THE ELECTION FINANCING COMMISSION.

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

2 (D) "FUND" MEANS THE PUBLIC ELECTION FUND.

3 (E) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE WHO QUALIFIES TO
4 RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR ELECTION AS A MEMBER
5 OF THE GENERAL ASSEMBLY.

6 (F) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A
7 PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

8 (G) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION:

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

12 (2) THAT IS AT LEAST \$5.

13 (H) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE
14 CONTRIBUTIONS THAT:

15 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL
16 ASSEMBLY;

17 (2) IS NOT MORE THAN \$250 FOR EACH DONOR; AND

18 (3) IS RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE
19 ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE A
20 CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE
21 PRIMARY ELECTION FOR THAT OFFICE.

22 15A-102. COMMISSION -- IN GENERAL.

23 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE
24 MEMBERS.

25 (B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN
26 ANNAPOLIS AND HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS
27 ARTICLE, AS PROVIDED IN THE STATE BUDGET.

28 (2) THE COMMISSION SHALL MEET AT LEAST ONCE EACH QUARTER.

29 (C) EACH MEMBER OF THE COMMISSION:

30 (1) SHALL BE A REGISTERED VOTER IN THE STATE FOR THE 2 YEARS
31 IMMEDIATELY PRECEDING THE APPOINTMENT;

32 (2) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, SHALL BE
33 ELIGIBLE FOR REAPPOINTMENT;

1 (3) SHALL CONFORM TO THE RESTRICTIONS UNDER § 2-301 OF THIS
2 ARTICLE;

3 (4) MAY NOT BE A REGULATED LOBBYIST, OR BE EMPLOYED BY A
4 REGULATED LOBBYIST, WHO IS REQUIRED TO REGISTER WITH THE STATE ETHICS
5 COMMISSION UNDER TITLE 15, SUBTITLE 7 OF THE STATE GOVERNMENT ARTICLE;
6 AND

7 (5) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR
8 INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, UPON WRITTEN CHARGES
9 FILED BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING BEEN
10 AFFORDED AMPLE OPPORTUNITY TO BE HEARD.

11 (D) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, THE MEMBERS OF THE
12 COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
13 CONSENT OF THE SENATE.

14 (E) (1) EACH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF ONE
15 OF THE PRINCIPAL POLITICAL PARTIES.

16 (2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMISSION IF
17 THE APPOINTMENT WILL RESULT IN THE COMMISSION HAVING MORE THAN THREE
18 OR FEWER THAN TWO MEMBERS OF THE SAME PRINCIPAL POLITICAL PARTY.

19 (F) BEFORE TAKING OFFICE EACH APPOINTEE SHALL TAKE THE OATH
20 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

21 (G) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

22 (2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
23 TERMS.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
25 SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (H) (1) IF A VACANCY OCCURS ON THE COMMISSION, IT SHALL BE FILLED
27 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
28 APPOINTED AND QUALIFIES.

29 (2) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT
30 IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS
31 CONFIRMED BY THE SENATE.

32 (I) NOT LATER THAN AUGUST 1 EACH YEAR, THE COMMISSION SHALL ELECT
33 ONE OF ITS MEMBERS AS CHAIRMAN.

34 (J) EACH MEMBER SHALL RECEIVE PER DIEM COMPENSATION OF \$100 FOR
35 ATTENDANCE AT:

36 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

1 (2) EACH ADDITIONAL MEETING, TO A MAXIMUM OF THREE, CALLED BY
2 THE CHAIRMAN DURING A CALENDAR YEAR.

3 15A-103. SAME -- DUTIES.

4 (A) THE COMMISSION SHALL MANAGE AND SUPERVISE THE SYSTEM OF
5 PUBLIC FUNDING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

6 (B) IN EXERCISING ITS AUTHORITY, THE COMMISSION SHALL:

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

10 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING
11 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN
12 FINANCE ENTITIES; AND

13 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
14 DISBURSED TO PARTICIPATING CANDIDATES;

15 (2) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES
16 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES
17 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS ACT;

18 (3) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY AFTER
19 EACH ELECTION CYCLE THAT INCLUDES:

20 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON
21 PARTICIPATING CANDIDATES;

22 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

23 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING
24 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY
25 PARTICIPATING CANDIDATES;

26 (IV) EXPENDITURES MADE BY PARTICIPATING AND
27 NONPARTICIPATING CANDIDATES; AND

28 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO
29 BE APPROPRIATE;

30 (4) HAVE ITS BOOKS AND ACTIVITIES AUDITED AT LEAST ONCE EACH
31 YEAR BY A CERTIFIED PUBLIC ACCOUNTANT; AND

32 (5) DEVELOP AN OFFICIAL SEAL, LOGO, OR OTHER DESIGNATION THAT
33 A PARTICIPATING CANDIDATE MAY USE VOLUNTARILY ON CAMPAIGN MATERIAL.

1 15A-104. SAME -- DISCRETIONARY POWERS.

2 THE COMMISSION MAY:

3 (1) EMPLOY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND LEGAL
4 COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS;

5 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS
6 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS
7 TITLE;

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

10 (4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE
11 ENTITY, OR THE PUBLIC, RENDER WRITTEN, PUBLIC, ADVISORY OPINIONS
12 REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

13 (5) ADOPT REGULATIONS AND PROVIDE FORMS AND ELECTRONIC
14 SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;

15 (6) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO
16 ENSURE COMPLIANCE WITH THIS TITLE;

17 (7) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN
18 FINANCE ENTITY SUBJECT TO THIS ARTICLE;

19 (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS
20 TITLE;

21 (9) IMPLEMENT A DEBIT CARD SYSTEM TO ALLOW A PARTICIPATING
22 CANDIDATE TO ACCESS THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT
23 THAT IS ESTABLISHED UNDER THIS TITLE;

24 (10) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR
25 CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

26 (11) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

27 (I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF
28 THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

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

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

33 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE
34 ISSUANCE OF THE INJUNCTION.

1 15A-105. THE FUND.

2 (A) (1) THERE IS A PUBLIC ELECTION FUND.

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

5 (3) THE FUND SHALL BE USED TO:

6 (I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT
7 BEGINS ON JANUARY 1, 2007, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF
8 CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL
9 ELECTION AS CERTIFIED BY THE COMMISSION UNDER THIS TITLE; AND

10 (II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF
11 THE COMMISSION RELATED TO THIS TITLE.

12 (4) THE COMPTROLLER SHALL:

13 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE
14 PROVISIONS OF THIS TITLE; AND

15 (II) CREDIT TO THE FUND ALL MONEY COLLECTED IN
16 ACCORDANCE WITH THIS TITLE.

17 (B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN,
18 FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL
19 ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECK-OFF SYSTEM THAT ALLOWS
20 THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT
21 \$5 OF THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION
22 FUND.

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

26 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF
27 SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, AND THE APPROPRIATION UNDER
28 SUBSECTION (D) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING
29 MONEY:

30 (1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES WHO
31 SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

32 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES WHO
33 SEEK TO BECOME ELIGIBLE FOR PUBLIC FUNDING UNDER THIS TITLE;

34 (3) EXCESS SEED MONEY CONTRIBUTIONS OF CANDIDATES WHO SEEK
35 TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

36 (4) UNSPENT MONEY THAT:

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

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

6 (5) FINES LEVIED BY THE COMMISSION AGAINST CANDIDATES FOR
7 VIOLATIONS OF THE ELECTION LAW;

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

9 (7) INTEREST GENERATED BY THE FUND;

10 (8) EXCEPT FOR CASES SUBJECT TO THE SURCHARGES IMPOSED BY THE
11 MOTOR VEHICLE ADMINISTRATION IN ACCORDANCE WITH PARAGRAPH (9) OF THIS
12 SUBSECTION, A 10% SURCHARGE ON EACH CIVIL OR CRIMINAL PENALTY IMPOSED BY
13 A COURT OF THIS STATE;

14 (9) SURCHARGES IMPOSED BY THE MOTOR VEHICLE ADMINISTRATION
15 UNDER § 27-114 OF THE TRANSPORTATION ARTICLE; AND

16 (10) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL
17 ASSEMBLY.

18 (D) (1) THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND
19 THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY
20 OUT THIS TITLE.

21 (2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY
22 JANUARY 1, 2007, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE
23 GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2008 BUDGET THAT, WHEN
24 COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO CARRY OUT
25 THIS TITLE.

26 15A-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY
27 -- ALLOWABLE CONTRIBUTIONS.

28 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
29 ASSEMBLY MAY ACCEPT PRIVATE CONTRIBUTIONS FROM A PERSON ONLY AS
30 SPECIFIED IN THIS SECTION, INCLUDING:

31 (1) SEED MONEY OF NO MORE THAN:

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

34 (II) \$2,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF
35 DELEGATES;

1 (2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE
2 CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER CONTRIBUTED AS
3 SEED MONEY OR AS A QUALIFYING CONTRIBUTION; AND

4 (3) CONTRIBUTIONS OF MONEY, OR IN-KIND CONTRIBUTIONS, FROM A
5 STATE OR LOCAL CENTRAL COMMITTEE, NOT TO EXCEED 2.5% OF THE PUBLIC
6 CONTRIBUTION AMOUNT AUTHORIZED FOR THAT CONTEST UNDER THIS TITLE.

7 (B) A PARTICIPATING CANDIDATE MAY NOT RECEIVE CONTRIBUTIONS OR
8 ESTABLISH OR MAINTAIN A CAMPAIGN ACCOUNT OTHER THAN THE PUBLICLY
9 FUNDED CAMPAIGN ACCOUNT REQUIRED UNDER THIS TITLE.

10 15A-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

11 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
12 ASSEMBLY:

13 (1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER § 15A-106
14 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING
15 CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

16 (2) SHALL DELIVER EACH QUALIFYING CONTRIBUTION RECEIVED TO
17 THE COMMISSION FOR DEPOSIT IN THE FUND.

18 (B) EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN
19 ACCORDANCE WITH § 15A-109(C) OF THIS TITLE, A PARTICIPATING CANDIDATE FOR
20 ELECTION TO THE GENERAL ASSEMBLY MAY CAUSE AN EXPENDITURE TO BE MADE
21 DURING THE PRIMARY ELECTION DISBURSEMENT PERIOD OR THE GENERAL
22 ELECTION DISBURSEMENT PERIOD ONLY FROM THE CANDIDATE'S PUBLICLY
23 FUNDED CAMPAIGN ACCOUNT.

24 15A-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

25 (A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A
26 PUBLIC CONTRIBUTION FROM THE FUND:

27 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL
28 SUBMIT QUALIFYING CONTRIBUTIONS, AGGREGATING AT LEAST \$10,000, FROM A
29 NUMBER OF CONTRIBUTORS TOTALING AT LEAST 0.25% OF THE POPULATION OF THE
30 CANDIDATE'S LEGISLATIVE DISTRICT; AND

31 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL
32 SUBMIT QUALIFYING CONTRIBUTIONS, AGGREGATING AT LEAST \$10,000, FROM A
33 NUMBER OF CONTRIBUTORS TOTALING AT LEAST 0.25% OF THE POPULATION OF THE
34 LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE.

35 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A
36 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE
37 FUND.

1 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION
2 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A
3 RECEIPT THAT INCLUDES:

4 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

5 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

9 (D) (1) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY
10 DURING THE PERIOD THAT:

11 (I) BEGINS ON APRIL 15 IN THE YEAR PRECEDING THE PRIMARY
12 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

13 (II) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE PRIMARY
14 ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

15 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL
16 ASSEMBLY IS BOUND BY THE FUND-RAISING RESTRICTIONS SPECIFIED UNDER §
17 13-235 OF THIS ARTICLE.

18 15A-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

19 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE
20 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION
21 SHALL:

22 (1) IN CONJUNCTION WITH THE PARTICIPATING CANDIDATE,
23 ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE; AND

24 (2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE,
25 AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR
26 DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING
27 CANDIDATE.

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

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

1 (D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY
 2 FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN
 3 ACCOUNT ONLY IN ACCORDANCE WITH THIS TITLE.

4 (2) AT ITS DISCRETION, THE COMMISSION MAY GAIN ACCESS AT ANY
 5 TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S
 6 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

7 (3) IN ACCORDANCE WITH ITS REGULATIONS AND GUIDELINES, THE
 8 COMMISSION MAY TERMINATE A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED
 9 CAMPAIGN ACCOUNT.

10 15A-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL
 11 ASSEMBLY.

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

15	PRIMARY	GENERAL	TOTAL
16 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
17 UNCONTESTED SENATE	10,000	6,000	16,000

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

21	PRIMARY	GENERAL	TOTAL
22 CONTESTED HOUSE			
23 (THREE MEMBER)	\$40,000	\$40,000	\$80,000
24 (TWO MEMBER)	35,000	35,000	70,000
25 (SINGLE MEMBER)	20,000	20,000	40,000
26 UNCONTESTED HOUSE			
27 (THREE MEMBER)	\$10,000	\$6,000	\$16,000
28 (TWO MEMBER)	8,000	5,000	13,000
29 (SINGLE MEMBER)	6,000	4,000	10,000

30 (C) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR
 31 ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO IS
 32 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE IN:

33 (I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR

34 (II) AN UNCONTESTED PRIMARY ELECTION.

35 (2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A
 36 CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT
 37 OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS
 38 SECTION SO THAT:

1 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A
2 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%
3 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR
4 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

5 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A
6 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED
7 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY
8 ELECTION AND FOR THE GENERAL ELECTION.

9 (3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY
10 CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT
11 ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE
12 GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE
13 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE
14 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

15 15A-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS
16 AUTHORIZED.

17 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
18 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING
19 FUNDS FROM THE FUND IF:

20 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
21 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
22 ELECTION; AND

23 (2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES THAT
24 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING
25 CANDIDATE.

26 (B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A
27 PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY
28 RECEIVE UNDER THIS SUBSECTION MAY NOT EXCEED 200% OF THE PUBLIC
29 CONTRIBUTION AMOUNT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTION
30 UNDER THIS TITLE FOR THAT CANDIDATE.

31 15A-112. PARTICIPATING CANDIDATES -- ELIGIBILITY REQUIREMENTS FOR
32 DISBURSEMENTS FROM THE FUND.

33 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE
34 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE
35 COMMISSION:

36 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE
37 COMMISSION'S REGULATIONS AND POLICIES;

38 (2) A CAMPAIGN FINANCE REPORT THAT LISTS ALL OF THE SEED
39 MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE;

1 (3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING
2 CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING PERIOD;

3 (4) ANY UNSPENT SEED MONEY THAT THE CANDIDATE RETAINS; AND

4 (5) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE
5 AND THE ACCOMPANYING RECEIPTS FOR THOSE CONTRIBUTIONS.

6 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
7 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE
8 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT
9 LEGISLATIVE OFFICE.

10 15A-113. DISBURSEMENTS BY THE COMPTROLLER.

11 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL
12 AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO
13 EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO
14 THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE
15 PRIMARY ELECTION.

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

19 (3) SUBJECT TO § 15A-110 OF THIS TITLE, THE COMMISSION MAY
20 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE
21 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

22 (4) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING
23 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC
24 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

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

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

35 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR ELECTION
36 TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION
37 FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE
38 ELECTION, IF:

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

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

4 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE
5 PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO
6 LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE DISBURSEMENT
7 BE MADE.

8 15A-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

9 (A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
10 ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL
11 COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS FROM ALL
12 POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING CANDIDATE DO
13 NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR THAT OFFICE.

14 (2) A PARTICIPATING CANDIDATE WHO RECEIVES A MONETARY
15 CONTRIBUTION UNDER THIS SUBSECTION SHALL DEPOSIT THE CONTRIBUTION IN
16 THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

17 (B) IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION, A
18 POLITICAL PARTY SHALL REPORT TO THE COMMISSION EACH CONTRIBUTION MADE
19 TO, AND EACH EXPENDITURE MADE ON BEHALF OF, A PARTICIPATING CANDIDATE
20 DURING A PRIMARY OR GENERAL ELECTION.

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

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

24 (2) A POLITICAL PARTY CONVENTION;

25 (3) NOMINATING AND ENDORSING CANDIDATES;

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

28 (5) PARTY PLATFORM ACTIVITIES;

29 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
30 CANDIDATE-SPECIFIC;

31 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
32 CANDIDATE-SPECIFIC;

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

1 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT
2 CANDIDATE-SPECIFIC.

3 15A-115. COORDINATED EXPENDITURES.

4 (A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A
5 PARTICIPATING CANDIDATE FOR ELECTION TO A STATE LEGISLATIVE OFFICE SHALL
6 BE MADE ONLY WITH PUBLIC FUNDS.

7 (B) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD
8 EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF MORE THAN \$250
9 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.

10 (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B)
11 OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A
12 NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48
13 HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH
14 INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.

15 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE
16 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE
17 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING
18 CANDIDATE.

19 (E) (1) IF, ON RECEIPT OF A COORDINATED EXPENDITURE REPORT FROM A
20 NONPARTICIPATING CANDIDATE, THE STATE BOARD DETERMINES THAT THE
21 EXPENDITURE CAUSES THE NONPARTICIPATING CANDIDATE'S EXPENDITURES TO
22 EXCEED THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE
23 PARTICIPATING CANDIDATE FOR THAT SAME OFFICE, THE STATE BOARD SHALL
24 CAUSE AN IMMEDIATE RELEASE FROM THE FUND OF A SUPPLEMENTAL
25 CONTRIBUTION TO THE OPPOSING PARTICIPATING CANDIDATE, SUBJECT TO THE
26 LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

27 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING
28 PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT
29 BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE
30 LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT
31 EXCEED THE LIMIT SPECIFIED IN § 15A-111 OF THIS TITLE.

32 (F) (1) AN EXPENDITURE MADE BY OR ON BEHALF OF A SLATE THAT
33 INCLUDES A PARTICIPATING CANDIDATE:

34 (I) IS DEEMED TO BE A COORDINATED EXPENDITURE; AND

35 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE
36 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF
37 THIS SUBSECTION.

38 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON
39 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE

1 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF
2 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF
3 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

4 15A-116. ADDITIONAL REPORTING REQUIREMENTS.

5 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN
6 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A PARTICIPATING
7 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL FILE CAMPAIGN
8 FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY 1 OF THE YEAR OF
9 THE ELECTION TO DISCLOSE:

10 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES
11 MADE; AND

12 (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE.

13 (B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT
14 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE
15 FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A
16 CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES EACH
17 WEEK THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

18 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
19 SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING
20 CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 24 HOURS OF EACH
21 EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO
22 MAKE.

23 (C) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT
24 THE COMMISSION ADOPTS AND PUBLISHES, THE COMMISSION MAY MAKE AN
25 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS
26 MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

27 (D) A CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS SECTION SHALL
28 BE FILED IN AN ELECTRONIC STORAGE FORMAT IN ACCORDANCE WITH THE
29 REQUIREMENTS OF TITLE 13 OF THIS ARTICLE.

30 15A-117. CITIZEN ACTIONS.

31 (A) AN INDIVIDUAL WHO BELIEVES THAT A CANDIDATE HAS VIOLATED THIS
32 TITLE MAY PURSUE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION IF:

33 (1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT REGARDING THE
34 ALLEGED VIOLATION WITH THE COMMISSION; AND

35 (2) THE COMMISSION FAILS TO MAKE A DETERMINATION AND ISSUE A
36 WRITTEN STATEMENT OF ITS FINDINGS WITHIN 30 DAYS OF THE DATE OF THE
37 FILING OF THE COMPLAINT.

1 (B) A COMPLAINANT WHO PREVAILS IN AN ACTION FILED UNDER THIS
2 SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEYS' FEES AND COURT
3 COSTS FROM ANY PARTY DEFENDANT.

4 15A-118. JUDICIAL REVIEW.

5 (A) AN ACTION OF THE COMMISSION UNDER THIS TITLE MAY BE REVIEWED
6 BY A CIRCUIT COURT IN ACCORDANCE WITH § 10-222(C) OF THE STATE GOVERNMENT
7 ARTICLE.

8 (B) A PETITION TO REVIEW AN ACTION OF THE COMMISSION UNDER THIS
9 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE COMMISSION ACTS.

10 15A-119. PENALTIES.

11 (A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

12 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT
13 ENTITLED;

14 (2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN
15 THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

16 (3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

17 (B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
18 CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE
19 AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE
20 TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE,
21 THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON
22 CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF
23 THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT FOR NOT MORE
24 THAN 2 YEARS OR BOTH.

25 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
26 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE
27 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF
28 THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION
29 CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION,
30 THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE
31 RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

32 (C) IN THE DISCRETION OF THE COMMISSION, AN INDIVIDUAL WHO VIOLATES
33 THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING
34 CANDIDATE UNDER THIS TITLE.

35 (D) (1) A PERSON MAY NOT PROVIDE FALSE INFORMATION TO OR CONCEAL
36 OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE
37 COMMISSION.

1 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
2 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE
3 TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE
4 DISCLOSURE, TO A MAXIMUM OF \$5,000 FOR EACH VIOLATION, OR IMPRISONMENT
5 FOR 2 YEARS OR BOTH.

6 15A-120. SHORT TITLE.

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

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

11 **Article - Tax - General**

12 10-402.

13 (c) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (II) "NONOPERATIONAL INCOME" MEANS ALL INCOME OTHER
16 THAN OPERATIONAL INCOME.

17 (III) "OPERATIONAL INCOME" MEANS ALL INCOME THAT IS
18 APPORTIONABLE UNDER THE CONSTITUTION OF THE UNITED STATES.

19 (2) (I) IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART
20 OF THE CORPORATION'S MARYLAND MODIFIED INCOME DERIVED FROM OR
21 REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE
22 SHALL BE DETERMINED BY ADDING:

23 1. THE CORPORATION'S NONOPERATIONAL INCOME THAT IS
24 ALLOCATED TO THE STATE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

25 2. THE PART OF THE CORPORATION'S OPERATIONAL INCOME
26 DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED
27 ON IN THE STATE AS DETERMINED UNDER PARAGRAPH (3) OR (4) OF THIS
28 SUBSECTION.

29 (II) TO THE EXTENT ALLOWED UNDER THE CONSTITUTION OF THE
30 UNITED STATES, IF THE PRINCIPAL PLACE FROM WHICH THE TRADE OR BUSINESS
31 OF A CORPORATION IS DIRECTED OR MANAGED IS IN THE STATE, ALL OF THE
32 CORPORATION'S MARYLAND MODIFIED INCOME THAT IS NONOPERATIONAL INCOME
33 SHALL BE ALLOCATED TO THE STATE.

34 [(1)] (3) Except as provided in paragraph [(2)] (4) of this subsection, if the
35 trade or business is a unitary business, the part of the corporation's Maryland
36 modified income THAT IS OPERATIONAL INCOME derived from or reasonably

1 attributable to trade or business carried on in the State shall be determined using a
2 3-factor apportionment fraction:

3 (i) the numerator of which is the sum of the property factor, the
4 payroll factor, and twice the sales factor; and

5 (ii) the denominator of which is 4.

6 [(2)] (4) (i) In this paragraph:

7 1. "manufacturing corporation" means a domestic or foreign
8 corporation which is primarily engaged in activities that, in accordance with the
9 North American Industrial Classification System (NAICS), United States Manual,
10 United States Office of Management and Budget, 1997 Edition, would be included in
11 Sector 11, 31, 32, or 33; and

12 2. "manufacturing corporation" does not include a refiner, as
13 defined in § 10-101 of the Business Regulation Article.

14 (ii) If a manufacturing corporation carries on its trade or business
15 in and out of the State and the trade or business is a unitary business, the part of the
16 corporation's Maryland modified income THAT IS OPERATIONAL INCOME derived
17 from or reasonably attributable to trade or business carried on in the State shall be
18 determined using a single sales factor apportionment formula, by multiplying its
19 Maryland modified income by 100% of the sales factor.

20 (iii) In filing its tax return for each year, a manufacturing
21 corporation shall certify that the NAICS Code reported on its Maryland return is
22 consistent with that reported to other government agencies.

23 (iv) If the Comptroller determines that a corporation has submitted
24 information that incorrectly classifies the corporation as a manufacturing corporation
25 under subparagraph (i) of this paragraph, the Comptroller shall reclassify the
26 corporation in an appropriate manner.

27 (v) The Comptroller, in consultation with the Department of
28 Business and Economic Development, shall adopt regulations necessary to carry out
29 the provisions of this subsection.

30 (vi) As part of its tax return for a taxable year beginning after
31 December 31, 2000 but before January 1, 2003, each manufacturing corporation that
32 has more than 25 employees and apportions its income under this paragraph shall
33 submit a report, in the form that the Comptroller requires by regulation, that
34 describes for each taxable year as of the last day of the taxable year the following:

35 1. the difference in tax owed as a result of using single sales
36 factor apportionment method under this paragraph as compared to the tax owed
37 using the 3-factor double weighted sales factor apportionment method in effect for
38 the last taxable year beginning on or before December 31, 2000;

- 1 2. volume of sales in the State and worldwide;
- 2 3. taxable income in the State and worldwide; and
- 3 4. book value of plant, land, and equipment in the State and
- 4 worldwide.

5 (vii) On or before October 1, 2003 and October 1, 2004, and
6 notwithstanding any confidentiality requirements, the Comptroller shall prepare and
7 submit to the Governor and, subject to § 2-1246 of the State Government Article, to
8 the General Assembly, a comprehensive report on the use of single sales factor
9 apportionment by manufacturing corporations that provides, at a minimum:

10 1. the number of corporations filing tax returns for the
11 taxable year that ended during the preceding calendar year that use single sales
12 factor apportionment and the number of such corporations having a Maryland income
13 tax liability for that taxable year;

14 2. the number of corporations paying less in Maryland
15 income tax for that taxable year as a result of using single sales factor apportionment
16 and the aggregate amount of Maryland income tax savings for all such corporations
17 for that taxable year as a result of using single sales factor apportionment; and

18 3. the number of corporations paying more in Maryland
19 income tax for the taxable year as a result of using single sales factor apportionment
20 and the aggregate amount of additional Maryland income tax owed by those
21 corporations for the taxable year as a result of using single sales factor
22 apportionment.

23 [(3)] (5) The property factor under paragraph [(1)] (3) of this subsection
24 shall include:

25 (i) rented and owned real property; and

26 (ii) tangible personal property located in the State and used in the
27 trade or business.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act
29 shall be applicable to all taxable years beginning after December 31, 2004.

30 SECTION 4. AND BE IT FURTHER ENACTED, That, no later than 1 year
31 after the end of the first election cycle in which the system of public financing of
32 election campaigns provided for under this Act is implemented, the Public Financing
33 Commission shall submit a written report to the Governor, and, in accordance with §
34 2-1246 of the State Government Article, to the General Assembly, concerning:

35 (1) The need for additional disclosure of campaign contributions or
36 expenditures under this Act;

37 (2) The affect and role of independent expenditures under this Act;

1 (3) Whether participating candidates under this Act should receive a
2 supplemental distribution from the Campaign Financing Fund to match independent
3 expenditures that are made on behalf of an opposing candidate or against a
4 participating candidate; and

5 (4) The effectiveness of the regulations, guidelines, and policies
6 established by the State Board of Elections and the Public Financing Commission
7 governing the disclosure and reporting of contributions and expenditures by
8 participating candidates and nonparticipating candidates in accordance with this Act.

9 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the initial
10 members of the Public Election Commission shall expire as follows:

11 (1) Two of the members appointed from the majority party and one of the
12 members appointed from the principal minority party in 2008; and

13 (2) One of the members appointed from the majority party and one of the
14 members appointed from the principal minority party in 2006.

15 SECTION 6. AND BE IT FURTHER ENACTED, That the catch lines
16 contained in this Act are not law and may not be considered to have been enacted as
17 part of this Act.

18 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect July 1, 2005.