
By: **Delegates Cardin, Hurson, V. Clagett, 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~~ Vallario, Bozman, Goodwin, Hixson, Howard, King, Marriott, Patterson, ~~and Ramirez Ramirez, and Ross~~**

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House action: Adopted with floor amendments

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CHAPTER _____

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;

1 regulating coordinated expenditures made by or on behalf of participating
2 candidates; specifying certain additional campaign finance reporting
3 requirements for certain candidates; authorizing a citizen to bring civil action in
4 court against certain candidates under certain circumstances; providing for
5 judicial review of certain actions by the Commission; providing for certain
6 penalties; specifying the terms of the initial members of the Commission;
7 providing that certain catch lines are not law and may not be considered to have
8 been enacted as part of this Act; and generally relating to the Public Campaign
9 Financing Act for Candidates for the General Assembly.

10 BY repealing and reenacting, with amendments,
11 Article - Election Law
12 Section 13-235(d)
13 Annotated Code of Maryland
14 (2003 Volume and 2004 Supplement)

15 BY adding to
16 Article - Election Law
17 Section 15A-101 through 15A-120 to be under the new title "Title 15A. Public
18 Campaign Financing Act for Candidates for the General Assembly"
19 Annotated Code of Maryland
20 (2003 Volume and 2004 Supplement)

21 ~~BY repealing and reenacting, with amendments,~~
22 ~~Article - Tax - General~~
23 ~~Section 10-402(e)~~
24 ~~Annotated Code of Maryland~~
25 ~~(2004 Replacement Volume)~~

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

28 **Article - Election Law**

29 13-235.

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

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

1 TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE
2 GENERAL ASSEMBLY.

3 15A-101. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

21 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL
22 ASSEMBLY;

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

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

28 15A-102. COMMISSION -- IN GENERAL.

29 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE
30 MEMBERS.

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

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

2 (C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

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

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

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

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

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

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

28 (2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
29 TERMS.

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

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

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

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

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

8 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

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

11 15A-103. SAME -- DUTIES.

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

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

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

18 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING
19 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN
20 FINANCE ENTITIES; AND

21 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
22 DISBURSED TO PARTICIPATING CANDIDATES;

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

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

28 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON
29 PARTICIPATING CANDIDATES;

30 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

31 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING
32 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY
33 PARTICIPATING CANDIDATES;

34 (IV) EXPENDITURES MADE BY PARTICIPATING AND
35 NONPARTICIPATING CANDIDATES; AND

1 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO
2 BE APPROPRIATE;

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

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

7 15A-104. SAME -- DISCRETIONARY POWERS.

8 THE COMMISSION MAY:

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

11 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS
12 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS
13 TITLE;

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

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

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

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

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

25 (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS
26 TITLE;

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

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

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

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

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

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

5 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE
6 ISSUANCE OF THE INJUNCTION.

7 15A-105. THE FUND.

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

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

11 (3) THE FUND SHALL BE USED TO:

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

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

18 (4) THE COMPTROLLER SHALL:

19 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE
20 PROVISIONS OF THIS TITLE; AND

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

23 (B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN,
24 FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL
25 ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECK-OFF SYSTEM THAT ALLOWS
26 THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT
27 \$5 OF THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION
28 FUND.

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

32 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF
33 SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, ~~AND THE APPROPRIATION UNDER~~
34 ~~SUBSECTION (D) OF THIS SECTION~~, THE FUND SHALL CONSIST OF THE FOLLOWING
35 MONEY:

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

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

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

7 (4) UNSPENT MONEY THAT:

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

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

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

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

16 (7) INTEREST GENERATED BY THE FUND; AND

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

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

23 (10) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL
24 ASSEMBLY.

25 (D) (1) ~~THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND~~
26 ~~THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY~~
27 ~~OUT THIS TITLE.~~

28 (2) ~~IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY~~
29 ~~JANUARY 1, 2007, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE~~
30 ~~GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2008 BUDGET THAT, WHEN~~
31 ~~COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO CARRY OUT~~
32 ~~THIS TITLE.~~

1 15A-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY
2 -- ALLOWABLE CONTRIBUTIONS.

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

6 (1) SEED MONEY OF NO MORE THAN:

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

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

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

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

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

20 15A-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

21 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
22 ASSEMBLY:

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

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

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

34 15A-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

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

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

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

9 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL
10 SUBMIT QUALIFYING CONTRIBUTIONS:

11 (I) OF AT LEAST \$5 EACH FROM A NUMBER OF CONTRIBUTORS
12 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE CANDIDATE'S LEGISLATIVE
13 DISTRICT; AND

14 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$10,000.

15 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL
16 SUBMIT QUALIFYING CONTRIBUTIONS:

17 (I) OF AT LEAST \$5 EACH FROM A NUMBER OF CONTRIBUTORS
18 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE CANDIDATE'S LEGISLATIVE
19 DISTRICT; AND

20 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$10,000.

21 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A
22 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE
23 FUND.

24 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION
25 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A
26 RECEIPT THAT INCLUDES:

27 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

28 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

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

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

3 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL
4 ASSEMBLY IS BOUND BY THE FUND-RAISING RESTRICTIONS SPECIFIED UNDER §
5 13-235 OF THIS ARTICLE.

6 15A-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

7 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE
8 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION
9 SHALL:

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

12 (2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE,
13 AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR
14 DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING
15 CANDIDATE.

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

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

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

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

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

32 15A-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL
33 ASSEMBLY.

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

	PRIMARY	GENERAL	TOTAL
1			
2 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
3 UNCONTESTED SENATE	10,000	6,000	16,000

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

	PRIMARY	GENERAL	TOTAL
7			
8 CONTESTED HOUSE			
9 (THREE MEMBER)	\$40,000	\$40,000	\$80,000
10 (TWO MEMBER)	35,000	35,000	70,000
11 (SINGLE MEMBER)	20,000	20,000	40,000
12 UNCONTESTED HOUSE			
13 (THREE MEMBER)	\$10,000	\$6,000	\$16,000
14 (TWO MEMBER)	8,000	5,000	13,000
15 (SINGLE MEMBER)	6,000	4,000	10,000

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

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

20 (II) AN UNCONTESTED PRIMARY ELECTION.

21 (2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A
22 CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT
23 OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS
24 SECTION SO THAT:

25 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A
26 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%
27 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR
28 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

29 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A
30 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED
31 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY
32 ELECTION AND FOR THE GENERAL ELECTION.

33 (3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY
34 CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT
35 ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE
36 GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE
37 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE
38 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

1 15A-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS
2 AUTHORIZED.

3 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
4 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING
5 FUNDS FROM THE FUND IF:

6 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
7 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
8 ELECTION; AND

9 (2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES THAT
10 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING
11 CANDIDATE.

12 (B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A
13 PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY
14 RECEIVE UNDER THIS SUBSECTION MAY NOT EXCEED 200% OF THE PUBLIC
15 CONTRIBUTION AMOUNT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTION
16 UNDER THIS TITLE FOR THAT CANDIDATE.

17 15A-112. PARTICIPATING CANDIDATES -- ELIGIBILITY REQUIREMENTS FOR
18 DISBURSEMENTS FROM THE FUND.

19 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE
20 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE
21 COMMISSION:

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

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

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

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

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

31 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
32 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE
33 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT
34 LEGISLATIVE OFFICE.

1 15A-113. DISBURSEMENTS BY THE COMPTROLLER.

2 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL
3 AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO
4 EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO
5 THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE
6 PRIMARY ELECTION.

7 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION
8 DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE
9 PRIMARY ELECTION.

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

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

16 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE
17 RESULTS OF THE PRIMARY ELECTION, THE COMMISSION SHALL AUTHORIZE THE
18 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING
19 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO HAS BEEN CERTIFIED
20 BY THE COMMISSION TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL
21 ELECTION.

22 (2) WITHIN 45 DAYS AFTER THE GENERAL 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 GENERAL
25 ELECTION.

26 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR ELECTION
27 TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION
28 FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE
29 ELECTION, IF:

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

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

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

1 15A-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

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

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

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

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

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

17 (2) A POLITICAL PARTY CONVENTION;

18 (3) NOMINATING AND ENDORSING CANDIDATES;

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

21 (5) PARTY PLATFORM ACTIVITIES;

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

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

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

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

30 15A-115. COORDINATED EXPENDITURES.

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

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

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

9 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE
10 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE
11 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING
12 CANDIDATE.

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

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

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

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

29 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE
30 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF
31 THIS SUBSECTION.

32 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON
33 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE
34 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF
35 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF
36 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

37 15A-116. ADDITIONAL REPORTING REQUIREMENTS.

38 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN
39 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A PARTICIPATING
40 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL FILE CAMPAIGN

1 FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY 1 OF THE YEAR OF
2 THE ELECTION TO DISCLOSE:

3 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES
4 MADE; AND

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

6 (B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT
7 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE
8 FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A
9 CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES EACH
10 WEEK THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

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

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

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

23 15A-117. CITIZEN ACTIONS.

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

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

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

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

34 15A-118. JUDICIAL REVIEW.

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

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

3 15A-119. PENALTIES.

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

5 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT
6 ENTITLED;

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

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

10 (B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
11 CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE
12 AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE
13 TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE,
14 THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON
15 CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF
16 THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT FOR NOT MORE
17 THAN 2 YEARS OR BOTH.

18 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
19 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE
20 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF
21 THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION
22 CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION,
23 THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE
24 RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

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

28 (D) (1) A PERSON MAY NOT PROVIDE FALSE INFORMATION TO OR CONCEAL
29 OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE
30 COMMISSION.

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

36 15A-120. SHORT TITLE.

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

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

3 ~~Article—Tax—General~~

4 ~~40-402.~~

5 ~~(e) (1) (1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE~~
 6 ~~MEANINGS INDICATED.~~

7 ~~(H) "NONOPERATIONAL INCOME" MEANS ALL INCOME OTHER~~
 8 ~~THAN OPERATIONAL INCOME.~~

9 ~~(HH) "OPERATIONAL INCOME" MEANS ALL INCOME THAT IS~~
 10 ~~APPORTIONABLE UNDER THE CONSTITUTION OF THE UNITED STATES.~~

11 ~~(2) (1) IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART~~
 12 ~~OF THE CORPORATION'S MARYLAND MODIFIED INCOME DERIVED FROM OR~~
 13 ~~REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE~~
 14 ~~SHALL BE DETERMINED BY ADDING:~~

15 ~~1. THE CORPORATION'S NONOPERATIONAL INCOME THAT IS~~
 16 ~~ALLOCATED TO THE STATE UNDER SUBPARAGRAPH (H) OF THIS PARAGRAPH; AND~~

17 ~~2. THE PART OF THE CORPORATION'S OPERATIONAL INCOME~~
 18 ~~DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED~~
 19 ~~ON IN THE STATE AS DETERMINED UNDER PARAGRAPH (3) OR (4) OF THIS~~
 20 ~~SUBSECTION.~~

21 ~~(H) TO THE EXTENT ALLOWED UNDER THE CONSTITUTION OF THE~~
 22 ~~UNITED STATES, IF THE PRINCIPAL PLACE FROM WHICH THE TRADE OR BUSINESS~~
 23 ~~OF A CORPORATION IS DIRECTED OR MANAGED IS IN THE STATE, ALL OF THE~~
 24 ~~CORPORATION'S MARYLAND MODIFIED INCOME THAT IS NONOPERATIONAL INCOME~~
 25 ~~SHALL BE ALLOCATED TO THE STATE.~~

26 ~~[(1)] (3) Except as provided in paragraph [(2)] (4) of this subsection, if the~~
 27 ~~trade or business is a unitary business, the part of the corporation's Maryland~~
 28 ~~modified income THAT IS OPERATIONAL INCOME derived from or reasonably~~
 29 ~~attributable to trade or business carried on in the State shall be determined using a~~
 30 ~~3-factor apportionment fraction:~~

31 ~~(i) the numerator of which is the sum of the property factor, the~~
 32 ~~payroll factor, and twice the sales factor; and~~

33 ~~(ii) the denominator of which is 4.~~

34 ~~[(2)] (4) (i) In this paragraph:~~

35 ~~1. "manufacturing corporation" means a domestic or foreign~~
 36 ~~corporation which is primarily engaged in activities that, in accordance with the~~

1 North American Industrial Classification System (NAICS), United States Manual,
2 United States Office of Management and Budget, 1997 Edition, would be included in
3 Sector 11, 31, 32, or 33; and

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

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

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

15 ~~(iv) If the Comptroller determines that a corporation has submitted~~
16 ~~information that incorrectly classifies the corporation as a manufacturing corporation~~
17 ~~under subparagraph (i) of this paragraph, the Comptroller shall reclassify the~~
18 ~~corporation in an appropriate manner.~~

19 ~~(v) The Comptroller, in consultation with the Department of~~
20 ~~Business and Economic Development, shall adopt regulations necessary to carry out~~
21 ~~the provisions of this subsection.~~

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

27 ~~1. the difference in tax owed as a result of using single sales~~
28 ~~factor apportionment method under this paragraph as compared to the tax owed~~
29 ~~using the 3 factor double weighted sales factor apportionment method in effect for~~
30 ~~the last taxable year beginning on or before December 31, 2000;~~

31 ~~2. volume of sales in the State and worldwide;~~

32 ~~3. taxable income in the State and worldwide; and~~

33 ~~4. book value of plant, land, and equipment in the State and~~
34 ~~worldwide.~~

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

1 ~~1. the number of corporations filing tax returns for the~~
 2 ~~taxable year that ended during the preceding calendar year that use single sales~~
 3 ~~factor apportionment and the number of such corporations having a Maryland income~~
 4 ~~tax liability for that taxable year;~~

5 ~~2. the number of corporations paying less in Maryland~~
 6 ~~income tax for that taxable year as a result of using single sales factor apportionment~~
 7 ~~and the aggregate amount of Maryland income tax savings for all such corporations~~
 8 ~~for that taxable year as a result of using single sales factor apportionment; and~~

9 ~~3. the number of corporations paying more in Maryland~~
 10 ~~income tax for the taxable year as a result of using single sales factor apportionment~~
 11 ~~and the aggregate amount of additional Maryland income tax owed by those~~
 12 ~~corporations for the taxable year as a result of using single sales factor~~
 13 ~~apportionment.~~

14 ~~[(3)] (5) The property factor under paragraph [(1)] (3) of this subsection~~
 15 ~~shall include:~~

16 ~~(i) rented and owned real property; and~~

17 ~~(ii) tangible personal property located in the State and used in the~~
 18 ~~trade or business.~~

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

21 ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That, no later than 1 year~~
 22 ~~after the end of the first election cycle in which the system of public financing of~~
 23 ~~election campaigns provided for under this Act is implemented, the Public Financing~~
 24 ~~Commission shall submit a written report to the Governor, and, in accordance with §~~
 25 ~~2-1246 of the State Government Article, to the General Assembly, concerning:~~

26 ~~(1) The need for additional disclosure of campaign contributions or~~
 27 ~~expenditures under this Act;~~

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

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

33 ~~(4) The effectiveness of the regulations, guidelines, and policies~~
 34 ~~established by the State Board of Elections and the Public Financing Commission~~
 35 ~~governing the disclosure and reporting of contributions and expenditures by~~
 36 ~~participating candidates and nonparticipating candidates in accordance with this Act.~~

37 ~~SECTION 5. 3. AND BE IT FURTHER ENACTED, That the terms of the~~
 38 ~~initial members of the Public Election Commission shall expire as follows:~~

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

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

5 SECTION ~~6. 4.~~ AND BE IT FURTHER ENACTED, That the catch lines
6 contained in this Act are not law and may not be considered to have been enacted as
7 part of this Act.

8 SECTION ~~7. 5.~~ AND BE IT FURTHER ENACTED, That this Act shall take
9 effect July 1, 2005.