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By: **Senators Pinsky, Britt, Brochin, Exum, Frosh, Garagiola, Giannetti,  
Gladden, Grosfeld, Jones, Ruben, and Teitelbaum**

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Assigned to: Education, Health, and Environmental Affairs

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

31 BY repealing and reenacting, with amendments,  
32 Article - Election Law  
33 Section 13-235(d)

1 Annotated Code of Maryland  
2 (2003 Volume and 2004 Supplement)

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

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

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

16 **Article - Election Law**

17 13-235.

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

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

27 TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE  
28 GENERAL ASSEMBLY.

29 15A-101. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

13 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL  
14 ASSEMBLY;

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

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

20 15A-102. COMMISSION -- IN GENERAL.

21 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE  
22 MEMBERS.

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

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

27 (C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

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

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

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

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

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

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

20 (2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE  
21 TERMS.

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

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

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

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

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

34 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

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

1 15A-103. SAME -- DUTIES.

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

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

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

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

11 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE  
12 DISBURSED TO PARTICIPATING CANDIDATES;

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

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

18 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON  
19 PARTICIPATING CANDIDATES;

20 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

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

24 (IV) EXPENDITURES MADE BY PARTICIPATING AND  
25 NONPARTICIPATING CANDIDATES; AND

26 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO  
27 BE APPROPRIATE;

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

30 (5) DEVELOP AN OFFICIAL SEAL, LOGO, OR OTHER DESIGNATION THAT  
31 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 (E) 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 FINANCING 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) ADDITIONAL INCOME TAX REVENUES FROM CORPORATIONS  
15 RESULTING FROM THE CHANGES TO THE PROVISIONS OF § 10-402(C) OF THE TAX -  
16 GENERAL ARTICLE UNDER CHAPTER \_\_\_\_ OF THE ACTS OF 2005 (S.B. \_\_\_\_ ) (5LR2340), AS  
17 DETERMINED BY THE COMPTROLLER; AND

18 (10) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL  
19 ASSEMBLY.

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

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

28 15A-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY  
29 -- ALLOWABLE CONTRIBUTIONS.

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

33 (1) SEED MONEY OF NO MORE THAN:

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



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

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

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

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

12 15A-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

13 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL  
14 ASSEMBLY:

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

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

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

26 15A-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

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

29 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL  
30 SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF CONTRIBUTORS  
31 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE CANDIDATE'S LEGISLATIVE  
32 DISTRICT; AND

33 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL  
34 SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF CONTRIBUTORS  
35 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE LEGISLATIVE DISTRICT OR  
36 SUBDISTRICT OF THE CANDIDATE.

1 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A  
2 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE  
3 FUND.

4 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION  
5 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A  
6 RECEIPT THAT INCLUDES:

7 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

8 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

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

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

18 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL  
19 ASSEMBLY IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER §  
20 13-235 OF THIS ARTICLE.

21 15A-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

22 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE  
23 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION  
24 SHALL:

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

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

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

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

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

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

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

12 15A-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL  
13 ASSEMBLY.

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

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

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

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

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

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

36 (II) AN UNCONTESTED PRIMARY ELECTION.

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

5 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A  
6 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%  
7 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR  
8 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

9 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A  
10 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED  
11 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY  
12 ELECTION AND FOR THE GENERAL ELECTION.

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

19 15A-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS  
20 AUTHORIZED.

21 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL  
22 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING  
23 FUNDS FROM THE FUND IF:

24 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A  
25 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL  
26 ELECTION; AND

27 (2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES THAT  
28 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING  
29 CANDIDATE.

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

35 15A-112. PARTICIPATING CANDIDATES -- ELIGIBILITY REQUIREMENTS FOR  
36 DISBURSEMENTS FROM THE FUND.

37 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE  
38 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE  
39 COMMISSION:

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

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

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

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

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

10 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS  
11 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE  
12 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT  
13 LEGISLATIVE OFFICE.

14 15A-113. DISBURSEMENTS BY THE COMPTROLLER.

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

20 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION  
21 DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE  
22 PRIMARY ELECTION.

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

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

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

35 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING  
36 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC  
37 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL  
38 ELECTION.

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

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

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

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

12 15A-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

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

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

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

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

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

28 (2) A POLITICAL PARTY CONVENTION;

29 (3) NOMINATING AND ENDORSING CANDIDATES;

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

32 (5) PARTY PLATFORM ACTIVITIES;

33 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT  
34 CANDIDATE-SPECIFIC;

35 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT  
36 CANDIDATE-SPECIFIC;

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

3 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT  
4 CANDIDATE-SPECIFIC.

5 15A-115. COORDINATED EXPENDITURES.

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

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

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

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

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

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

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

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

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

1           (2)     THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON  
2 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE  
3 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF  
4 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF  
5 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

6 15A-116. ADDITIONAL REPORTING REQUIREMENTS.

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

12           (1)     ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES  
13 MADE; AND

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

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

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

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

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

32 15A-117. CITIZEN ACTIONS.

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

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



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

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

7 15A-118. JUDICIAL REVIEW.

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

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

13 15A-119. PENALTIES.

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

15           (1)     ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT  
16 ENTITLED;

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

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

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

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

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

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

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

9 15A-120. SHORT TITLE.

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

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

14 **Article - Tax - General**

15 10-402.

16 (c) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
17 MEANINGS INDICATED.

18 (II) "NONOPERATIONAL INCOME" MEANS ALL INCOME OTHER  
19 THAN OPERATIONAL INCOME.

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

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

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

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

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

1            [(1)]    (3)    Except as provided in paragraph [(2)] (4) of this subsection, if  
2 the trade or business is a unitary business, the part of the corporation's Maryland  
3 modified income THAT IS OPERATIONAL INCOME derived from or reasonably  
4 attributable to trade or business carried on in the State shall be determined using a  
5 3-factor apportionment fraction:

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

8                    (ii)        the denominator of which is 4.

9            [(2)]    (4)    (i)        In this paragraph:

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

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

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

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

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

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

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

38                    1.        the difference in tax owed as a result of using single sales  
39 factor apportionment method under this paragraph as compared to the tax owed



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

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

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

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

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

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

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

18       SECTION 6. AND BE IT FURTHER ENACTED, That the captions contained  
19 in this Act are not law and may not be considered to have been enacted as part of this  
20 Act.

21       SECTION 7. AND BE IT FURTHER ENACTED, That, subject to Section 3 of  
22 this Act, this Act shall take effect July 1, 2005.