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Patterson, Pendergrass, Petzold, Rosenberg, Ross, Simmons, Stern,  
F. Turner, V. Turner, Vallario, Vaughn, and Zirkin**

Introduced and read first time: February 9, 2006  
Assigned to: Ways and Means

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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 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; defining certain terms; specifying certain  
10 procedures, requirements, and conditions participating candidates must meet to  
11 receive a distribution from the Fund; requiring that participating candidates  
12 adhere to certain campaign expenditure limits, subject to certain exceptions;  
13 requiring the Comptroller to perform certain duties in connection with the  
14 establishment, maintenance, and administration of the Fund; regulating  
15 contributions and expenditures made by political parties on behalf of  
16 participating candidates; regulating coordinated expenditures made by or on  
17 behalf of participating candidates; specifying certain additional campaign  
18 finance reporting requirements for certain candidates; authorizing a citizen to  
19 bring a civil action in court against certain candidates under certain  
20 circumstances; providing for judicial review of certain actions by the  
21 Commission; providing for certain penalties; specifying the terms of the initial  
22 members of the Commission; and generally relating to the Public Campaign  
23 Financing Act for Candidates for the General Assembly.

24 BY repealing and reenacting, with amendments,  
25 Article - Commercial Law  
26 Section 17-317  
27 Annotated Code of Maryland  
28 (2005 Replacement Volume)

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 2005 Supplement)

6 BY adding to  
7 Article - Election Law  
8 Section 15.5-101 through 15.5-120 to be under the new title "Title 15.5. Public  
9 Campaign Financing Act for Candidates for the General Assembly"  
10 Annotated Code of Maryland  
11 (2003 Volume and 2005 Supplement)

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

14 **Article - Commercial Law**

15 17-317.

16 (a) (1) All funds received under this title, including the proceeds of the sale  
17 of abandoned property under § 17-316 of this subtitle, shall be credited by the  
18 Administrator to a special fund. The Administrator shall retain in the special fund at  
19 the end of each fiscal year, from the proceeds received, an amount not to exceed  
20 \$50,000, from which sum the Administrator shall pay any claim allowed under this  
21 title.

22 (2) After deducting all costs incurred in administering this title from the  
23 remaining net funds the administrator shall distribute:

24 (I) \$500,000 to the Maryland Legal Services Corporation to support  
25 the activities of the corporation; AND

26 (II) \$7,500,000 TO THE PUBLIC ELECTION FUND TO SUPPORT THE  
27 PUBLIC FINANCING OF CAMPAIGNS FOR THE GENERAL ASSEMBLY, AS PROVIDED IN  
28 TITLE 15.5 OF THE ELECTION LAW ARTICLE.

29 (3) After making the distribution required under paragraph (2) of this  
30 subsection, the Administrator shall distribute the remaining net funds not retained  
31 under paragraph (1) of this subsection to the General Fund of the State.

32 (b) Before making the distribution, the Administrator shall record the name  
33 and last known address, if any, of the owners of funds so distributed and the type of  
34 property which the funds distributed represent. The record shall be available for  
35 public inspection during reasonable business hours by any person who claims a legal  
36 interest in any property held by the Administrator, provided that the person gives  
37 prior notice to the Administrator.

1 **Article - Election Law**

2 13-235.

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

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

12 TITLE 15.5. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE  
13 GENERAL ASSEMBLY.

14 15.5-101. DEFINITIONS.

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

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

18 (C) "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE.

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

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

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

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

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

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

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

32 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL  
33 ASSEMBLY;

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

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

5 15.5-102. COMMISSION -- IN GENERAL.

6 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE  
7 MEMBERS.

8 (B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN  
9 ANNAPOLIS AND EMPLOY STAFF, SUBJECT TO THE STATE PERSONNEL AND  
10 PENSIONS ARTICLE, AS PROVIDED IN THE STATE BUDGET.

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

12 (C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

23 (5) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR  
24 INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, BASED ON WRITTEN  
25 CHARGES FILED BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING  
26 BEEN AFFORDED AMPLE OPPORTUNITY TO BE HEARD.

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

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

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

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

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

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

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

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

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

12 (I) NOT LATER THAN AUGUST 1 OF EACH YEAR, THE COMMISSION SHALL  
13 ELECT ONE OF ITS MEMBERS AS CHAIR.

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

16 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

17 (2) EACH ADDITIONAL MEETING, UP TO A MAXIMUM OF THREE, CALLED  
18 BY THE CHAIR DURING A CALENDAR YEAR.

19 15.5-103. SAME -- DUTIES.

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

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

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

26 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING  
27 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN  
28 FINANCE ENTITIES; AND

29 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE  
30 DISBURSED TO PARTICIPATING CANDIDATES;

31 (2) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES  
32 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES  
33 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS TITLE;

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

1 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON  
2 PARTICIPATING CANDIDATES;

3 (II) ANY RECOMMENDATIONS TO IMPROVE THE PROVISIONS OF  
4 THIS TITLE;

5 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING  
6 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY  
7 PARTICIPATING CANDIDATES;

8 (IV) EXPENDITURES MADE BY PARTICIPATING AND  
9 NONPARTICIPATING CANDIDATES; AND

10 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO  
11 BE APPROPRIATE;

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

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

16 15.5-104. SAME -- DISCRETIONARY POWERS.

17 THE COMMISSION MAY:

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

20 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS  
21 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS  
22 TITLE;

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

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

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

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

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

34 (8) IMPOSE FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS  
35 TITLE;

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

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

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

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

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

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

13 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE  
14 ISSUANCE OF THE INJUNCTION.

15 15.5-105. THE FUND.

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

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

19 (3) THE FUND SHALL BE USED TO:

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

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

26 (4) THE COMPTROLLER SHALL:

27 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE  
28 PROVISIONS OF THIS TITLE; AND

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

31 (B) (1) FOR EVERY INDIVIDUAL OTHER THAN A NONRESIDENT ALIEN  
32 FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL  
33 ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECKOFF SYSTEM THAT ALLOWS THE  
34 TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT \$5 OF  
35 THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE FUND.

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

4 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF SYSTEM  
5 UNDER SUBSECTION (B) OF THIS SECTION AND THE APPROPRIATION UNDER  
6 SUBSECTIONS (D) AND (E) OF THIS SECTION, THE FUND SHALL CONSIST OF THE  
7 FOLLOWING MONEY:

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

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

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

14 (4) UNSPENT MONEY THAT:

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

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

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

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

23 (7) INTEREST GENERATED BY THE FUND; AND

24 (8) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL  
25 ASSEMBLY.

26 (D) THE GOVERNOR SHALL APPROPRIATE AT LEAST \$7,500,000 TO THE FUND  
27 FROM THE DISPOSITION OF ABANDONED PROPERTY IN THE STATE AS PROVIDED  
28 UNDER TITLE 17 OF THE COMMERCIAL LAW ARTICLE.

29 (E) (1) THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND  
30 THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY  
31 OUT THE PROVISIONS OF THIS TITLE.

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

1 15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY  
2 -- ALLOWABLE CONTRIBUTIONS.

3 (A) A PARTICIPATING CANDIDATE MAY ACCEPT PRIVATE CONTRIBUTIONS  
4 FROM A PERSON ONLY AS SPECIFIED IN THIS SECTION, INCLUDING:

5 (1) SEED MONEY OF NO MORE THAN:

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

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

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

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

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

19 15.5-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

20 (A) A PARTICIPATING CANDIDATE:

21 (1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER § 15.5-106  
22 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING  
23 CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

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

26 (B) EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN  
27 ACCORDANCE WITH § 15.5-109(C) OF THIS TITLE, A PARTICIPATING CANDIDATE MAY  
28 CAUSE AN EXPENDITURE TO BE MADE DURING THE PRIMARY ELECTION  
29 DISBURSEMENT PERIOD OR THE GENERAL ELECTION DISBURSEMENT PERIOD ONLY  
30 FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

31 15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

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

34 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL  
35 SUBMIT:

1 (I) QUALIFYING CONTRIBUTIONS OF AT LEAST \$5 EACH FROM A  
2 NUMBER OF CONTRIBUTORS TOTALING AT LEAST 0.40% OF THE POPULATION OF THE  
3 CANDIDATE'S LEGISLATIVE DISTRICT; AND

4 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$15,000.

5 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL  
6 SUBMIT:

7 (I) QUALIFYING CONTRIBUTIONS OF AT LEAST \$5 EACH FROM A  
8 NUMBER OF CONTRIBUTORS TOTALING AT LEAST 0.40% OF THE POPULATION OF THE  
9 CANDIDATE'S LEGISLATIVE DISTRICT; AND

10 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$15,000.

11 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A  
12 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE  
13 FUND.

14 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION  
15 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A  
16 RECEIPT THAT INCLUDES:

17 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

18 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

24 (I) BEGINS ON APRIL 15 OF THE YEAR PRECEDING THE PRIMARY  
25 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

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

28 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL  
29 ASSEMBLY IS BOUND BY THE FUND-RAISING RESTRICTIONS SPECIFIED UNDER §  
30 13-235 OF THIS ARTICLE.

31 15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

32 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE  
33 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION  
34 SHALL:

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

3 (2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE,  
4 AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR  
5 DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING  
6 CANDIDATE.

7 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A  
8 PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE  
9 PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE  
10 CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN  
11 ACCOUNT.

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

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

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

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

23 15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL  
24 ASSEMBLY.

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

	PRIMARY	GENERAL	TOTAL
28 CONTESTED SENATE	\$50,000 \$50,000	\$100,000	
29 UNCONTESTED SENATE	10,000	6,000	16,000

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

	PRIMARY	GENERAL	TOTAL
34 CONTESTED HOUSE			
35 (THREE-MEMBER)	\$40,000	\$40,000	\$80,000
36 (TWO-MEMBER)	35,000	35,000	70,000

1 (SINGLE-MEMBER)	20,000	20,000	40,000
2	.		
3 UNCONTESTED HOUSE			
4 (THREE-MEMBER)	\$10,000	\$6,000	\$16,000
5 (TWO-MEMBER)	8,000	5,000	13,000
6 (SINGLE-MEMBER)	6,000	4,000	10,000

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

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

11 (II) AN UNCONTESTED PRIMARY ELECTION.

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

16 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A  
17 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%  
18 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR  
19 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

20 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A  
21 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED  
22 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY  
23 ELECTION AND FOR THE GENERAL ELECTION.

24 (3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY  
25 CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT  
26 ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE  
27 GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE  
28 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE  
29 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

30 15.5-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS  
31 AUTHORIZED.

32 (A) A PARTICIPATING CANDIDATE MAY RECEIVE A SUPPLEMENTAL PUBLIC  
33 CONTRIBUTION OF MATCHING FUNDS FROM THE FUND IF:

34 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A  
35 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL  
36 ELECTION; AND

1 (2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES THAT  
2 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING  
3 CANDIDATE.

4 (B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A  
5 PARTICIPATING CANDIDATE MAY RECEIVE UNDER THIS SUBSECTION MAY NOT  
6 EXCEED 200% OF THE PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THE  
7 PRIMARY AND GENERAL ELECTION UNDER THIS TITLE FOR THAT CANDIDATE.

8 15.5-112. SAME -- ELIGIBILITY REQUIREMENTS FOR DISBURSEMENTS FROM THE  
9 FUND.

10 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE  
11 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE  
12 COMMISSION:

13 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE  
14 REGULATIONS AND POLICIES OF THE COMMISSION;

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

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

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

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

22 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS  
23 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE  
24 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT  
25 LEGISLATIVE OFFICE.

26 15.5-113. DISBURSEMENTS BY THE COMPTROLLER.

27 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL  
28 AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO  
29 EACH PARTICIPATING CANDIDATE WHO THE COMMISSION HAS CERTIFIED TO  
30 RECEIVE A PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

31 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION  
32 DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE  
33 PRIMARY ELECTION.

34 (3) SUBJECT TO § 15.5-110 OF THIS TITLE, THE COMMISSION MAY  
35 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE  
36 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

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

4 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE  
5 RESULTS OF THE PRIMARY ELECTION, THE COMMISSION SHALL AUTHORIZE THE  
6 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING  
7 CANDIDATE WHO HAS BEEN CERTIFIED BY THE COMMISSION TO RECEIVE A PUBLIC  
8 CONTRIBUTION FOR THE GENERAL ELECTION.

9 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING  
10 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC  
11 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL  
12 ELECTION.

13 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS ELIGIBLE TO  
14 RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION  
15 AFTER MAY 1 OF THE YEAR OF THE ELECTION IF:

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

18 (2) THE PARTICIPATING CANDIDATE DOES NOT PARTICIPATE IN A  
19 PRIMARY ELECTION.

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

24 15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

25 (A) (1) A PARTICIPATING CANDIDATE MAY ACCEPT A CONTRIBUTION FROM  
26 A STATE OR LOCAL CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE  
27 CONTRIBUTIONS FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE  
28 PARTICIPATING CANDIDATE DO NOT EXCEED 2.5% OF THE PUBLIC FINANCING  
29 AMOUNT FOR THAT OFFICE.

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

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

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

- 1 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;
- 2 (2) A POLITICAL PARTY CONVENTION;
- 3 (3) NOMINATING AND ENDORSING CANDIDATES;
- 4 (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S
- 5 POSITIONS ON ISSUES;
- 6 (5) PARTY PLATFORM ACTIVITIES;
- 7 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
- 8 CANDIDATE-SPECIFIC;
- 9 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
- 10 CANDIDATE-SPECIFIC;
- 11 (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL
- 12 PARTY WHO ARE NOT CANDIDATES; OR
- 13 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT
- 14 CANDIDATE-SPECIFIC.

15 15.5-115. COORDINATED EXPENDITURES.

16 (A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A

17 PARTICIPATING CANDIDATE SHALL BE MADE ONLY WITH PUBLIC FUNDS.

18 (B) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD

19 EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF MORE THAN \$250

20 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.

21 (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B)

22 OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A

23 NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48

24 HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH

25 INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.

26 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE

27 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE

28 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING

29 CANDIDATE.

30 (E) (1) IF, ON RECEIPT OF A COORDINATED EXPENDITURE REPORT FROM A

31 NONPARTICIPATING CANDIDATE, THE STATE BOARD DETERMINES THAT THE

32 EXPENDITURE CAUSES THE NONPARTICIPATING CANDIDATE'S EXPENDITURES TO

33 EXCEED THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE

34 PARTICIPATING CANDIDATE FOR THAT SAME OFFICE, THE STATE BOARD SHALL

35 CAUSE AN IMMEDIATE RELEASE FROM THE FUND OF A SUPPLEMENTAL

1 CONTRIBUTION TO THE OPPOSING PARTICIPATING CANDIDATE, SUBJECT TO THE  
2 LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

3 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING  
4 PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT  
5 BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE  
6 LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT  
7 EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.

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

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

11 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE  
12 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF  
13 THIS SUBSECTION.

14 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON  
15 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE  
16 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF  
17 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF  
18 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

19 15.5-116. ADDITIONAL REPORTING REQUIREMENTS.

20 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN  
21 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A PARTICIPATING  
22 CANDIDATE SHALL FILE A CAMPAIGN FINANCE REPORT WITH THE COMMISSION ON  
23 OR BEFORE MAY 1 OF THE YEAR OF THE ELECTION TO DISCLOSE:

24 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES  
25 MADE; AND

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

27 (B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT  
28 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE  
29 FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A  
30 CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES EACH  
31 WEEK THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

32 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS  
33 SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING  
34 CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 24 HOURS OF EACH  
35 EXPENDITURE EXCEEDING \$500 THAT THE CANDIDATE MAKES OR BECOMES  
36 OBLIGATED TO MAKE.

37 (C) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT  
38 THE COMMISSION ADOPTS AND PUBLISHES, THE COMMISSION MAY MAKE AN

1 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS  
2 MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

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

6 15.5-117. CITIZEN ACTIONS.

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

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

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

14 (B) A COMPLAINANT WHO PREVAILS IN AN ACTION FILED UNDER THIS  
15 SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY'S FEES AND COURT  
16 COSTS FROM ANY PARTY DEFENDANT.

17 15.5-118. JUDICIAL REVIEW.

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

21 (B) A PETITION TO REVIEW AN ACTION OF THE COMMISSION UNDER THIS  
22 SECTION SHALL BE FILED NO LATER THAN 60 DAYS AFTER THE COMMISSION HAS  
23 ISSUED ITS FINDINGS.

24 15.5-119. PENALTIES.

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

26 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT  
27 ENTITLED;

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

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

31 (B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING  
32 CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE  
33 AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE  
34 TO THE OFFICE OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE, THE  
35 PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS  
36 SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF THE EXCESS

1 CONTRIBUTION OR EXPENDITURE, OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS  
2 OR BOTH.

3 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING  
4 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE  
5 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF  
6 THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION  
7 CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION,  
8 THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE  
9 RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

10 (C) AT THE DISCRETION OF THE COMMISSION, AN INDIVIDUAL WHO  
11 VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A  
12 PARTICIPATING CANDIDATE UNDER THIS TITLE.

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

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

21 15.5-120. SHORT TITLE.

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

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

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

32 (2) The effect and role of independent expenditures under this Act;

33 (3) Whether participating candidates under this Act should receive a  
34 supplemental distribution from the Public Election Fund to match independent  
35 expenditures that are made on behalf of an opposing candidate or against a  
36 participating candidate; and

37 (4) The effectiveness of the regulations, guidelines, and policies  
38 established by the State Board of Elections and the Election Financing Commission

1 governing the disclosure and reporting of contributions and expenditures by  
2 participating candidates and nonparticipating candidates in accordance with this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
4 members of the Election Financing Commission shall expire as follows:

5 (1) Three of the members appointed by the Governor in 2007; and

6 (2) Two of the members appointed by the Governor in 2009.

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

10 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the  
11 provisions of § 15-108 of the Election Law Article, on the taking effect of this Act, the  
12 Comptroller shall transfer and credit any unspent funds remaining in the Fair  
13 Campaign Financing Fund to the Public Election Fund created under this Act to be  
14 used for the purpose of, and in accordance with, the Public Campaign Financing Act  
15 for Candidates for the General Assembly created by this Act.

16 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2006.