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By: **Delegates Cardin, Anderson, Barkley, Benson, Bobo, Bronrott, V. Clagett, Cryor, C. Davis, Dumais, Feldman, Franchot, Frush, Gaines, Gordon, Gutierrez, Healey, Heller, Hixson, Howard, Hubbard, Kaiser, King, Krysiak, Lawton, Lee, Madaleno, Mandel, Marriott, McIntosh, Menes, Moe, Montgomery, Nathan-Pulliam, Niemann, Paige, Parker, Patterson, Pendergrass, Petzold, Rosenberg, Ross, Simmons, Stern, F. Turner, V. Turner, Vallario, Vaughn, and Zirkin**

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Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 28, 2006

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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; 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

1 Financing Act for Candidates for the General Assembly.

2 BY repealing and reenacting, with amendments,

3 Article - Commercial Law

4 Section 17-317

5 Annotated Code of Maryland

6 (2005 Replacement Volume)

7 BY repealing and reenacting, with amendments,

8 Article - Election Law

9 Section 13-235(d)

10 Annotated Code of Maryland

11 (2003 Volume and 2005 Supplement)

12 BY adding to

13 Article - Election Law

14 Section 15.5-101 through ~~15.5-120~~ 15.5-119 to be under the new title "Title

15 15.5. Public Campaign Financing Act for Candidates for the General  
16 Assembly"

17 Annotated Code of Maryland

18 (2003 Volume and 2005 Supplement)

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

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

21

**Article - Commercial Law**

22 17-317.

23 (a) (1) All funds received under this title, including the proceeds of the sale  
24 of abandoned property under § 17-316 of this subtitle, shall be credited by the  
25 Administrator to a special fund. The Administrator shall retain in the special fund at  
26 the end of each fiscal year, from the proceeds received, an amount not to exceed  
27 \$50,000, from which sum the Administrator shall pay any claim allowed under this  
28 title.

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

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

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

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

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

10 **Article - Election Law**

11 13-235.

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

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

21 TITLE 15.5. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE  
22 GENERAL ASSEMBLY.

23 15.5-101. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

7 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL  
8 ASSEMBLY;

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

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

14 15.5-102. COMMISSION -- IN GENERAL.

15 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE  
16 MEMBERS.

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

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

21 (C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

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

29 15.5-103. SAME -- DUTIES.

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

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

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

1 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING  
2 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN  
3 FINANCE ENTITIES; AND

4 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE  
5 DISBURSED TO PARTICIPATING CANDIDATES;

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

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

11 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON  
12 PARTICIPATING CANDIDATES;

13 (II) ANY RECOMMENDATIONS TO IMPROVE THE PROVISIONS OF  
14 THIS TITLE;

15 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING  
16 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY  
17 PARTICIPATING CANDIDATES;

18 (IV) EXPENDITURES MADE BY PARTICIPATING AND  
19 NONPARTICIPATING CANDIDATES; AND

20 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO  
21 BE APPROPRIATE;

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

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

26 15.5-104. SAME -- DISCRETIONARY POWERS.

27 THE COMMISSION MAY:

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

30 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS  
31 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS  
32 TITLE;

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

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

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

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

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

10 (8) IMPOSE FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS  
11 TITLE;

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

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

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

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

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

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

24 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE  
25 ISSUANCE OF THE INJUNCTION.

26 15.5-105. THE FUND.

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

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

30 (3) THE FUND SHALL BE USED TO:

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

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

3 (4) THE COMPTROLLER SHALL:

4 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE  
5 PROVISIONS OF THIS TITLE; AND

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

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

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

16 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF SYSTEM  
17 UNDER SUBSECTION (B) OF THIS SECTION AND THE APPROPRIATION UNDER  
18 SUBSECTIONS (D) AND (E) OF THIS SECTION, THE FUND SHALL CONSIST OF THE  
19 FOLLOWING MONEY:

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

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

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

26 (4) UNSPENT MONEY THAT:

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

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

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

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

35 (7) INTEREST GENERATED BY THE FUND; AND



1 (8) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL  
2 ASSEMBLY.

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

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

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

14 15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY  
15 -- ALLOWABLE CONTRIBUTIONS.

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

18 (1) SEED MONEY OF NO MORE THAN:

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

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

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

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

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

32 15.5-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

33 (A) A PARTICIPATING CANDIDATE:

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

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

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

8 15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

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

11 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL  
12 SUBMIT:

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

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

17 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL  
18 SUBMIT:

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

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

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

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

29 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

30 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

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

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

5 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL  
6 ASSEMBLY IS BOUND BY THE FUND-RAISING RESTRICTIONS SPECIFIED UNDER §  
7 13-235 OF THIS ARTICLE.

8 15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

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

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

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

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

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

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

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

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

34 15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL  
35 ASSEMBLY.

36 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF  
37 MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF

1 THE LIMIT SPECIFIED IN THIS SUBSECTION.

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

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

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

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

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

22 (II) AN UNCONTESTED PRIMARY ELECTION.

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

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

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

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

1 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE  
2 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

3 15.5-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS  
4 AUTHORIZED.

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

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

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

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

17 15.5-112. SAME -- ELIGIBILITY REQUIREMENTS FOR DISBURSEMENTS FROM THE  
18 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 REGULATIONS AND POLICIES OF THE COMMISSION;

24 (2) A CAMPAIGN FINANCE REPORT THAT LISTS ALL SEED MONEY  
25 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 15.5-113. 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 WHO THE COMMISSION HAS CERTIFIED TO  
5 RECEIVE A PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

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

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

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

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

20 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING  
21 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC  
22 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL  
23 ELECTION.

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

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

29 (2) THE PARTICIPATING CANDIDATE DOES NOT PARTICIPATE IN A  
30 PRIMARY ELECTION.

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

35 15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

36 (A) (1) A PARTICIPATING CANDIDATE MAY ACCEPT A CONTRIBUTION FROM  
37 A STATE OR LOCAL CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE  
38 CONTRIBUTIONS FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE

1 PARTICIPATING CANDIDATE DO NOT EXCEED 2.5% OF THE PUBLIC FINANCING  
2 AMOUNT FOR THAT OFFICE.

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

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

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

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

13 (2) A POLITICAL PARTY CONVENTION;

14 (3) NOMINATING AND ENDORSING CANDIDATES;

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

17 (5) PARTY PLATFORM ACTIVITIES;

18 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT  
19 CANDIDATE-SPECIFIC;

20 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT  
21 CANDIDATE-SPECIFIC;

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

24 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT  
25 CANDIDATE-SPECIFIC.

26 15.5-115. COORDINATED EXPENDITURES.

27 (A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A  
28 PARTICIPATING CANDIDATE SHALL BE MADE ONLY WITH PUBLIC FUNDS.

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

32 (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B)  
33 OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A  
34 NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48

1 HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH  
2 INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.

3 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE  
4 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE  
5 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING  
6 CANDIDATE.

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

15 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING  
16 PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT  
17 BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE  
18 LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT  
19 EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.

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

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

23 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE  
24 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF  
25 THIS SUBSECTION.

26 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON  
27 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE  
28 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF  
29 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF  
30 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

31 15.5-116. ADDITIONAL REPORTING REQUIREMENTS.

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

36 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES  
37 MADE; AND

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



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

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

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

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

18 ~~45.5-117. CITIZEN ACTIONS.~~

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

21 ~~(1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT REGARDING THE~~  
22 ~~ALLEGED VIOLATION WITH THE COMMISSION; AND~~

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

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

29 ~~45.5-118. 15.5-117. JUDICIAL REVIEW.~~

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

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

36 ~~45.5-119. 15.5-118. PENALTIES.~~

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

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

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

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

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

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

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

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

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

32 ~~15.5-120.~~ 15.5-119. SHORT TITLE.

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

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

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

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

4 (3) Whether participating candidates under this Act should receive a  
5 supplemental distribution from the Public Election 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 Election 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 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
13 members of the Election Financing Commission shall expire as follows:

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

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

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

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

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