

# HOUSE BILL 731

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CF SB 546

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By: **Delegates Cardin, Ali, Anderson, Barkley, Barnes, Benson, Bobo, Bromwell, V. Clagett, Feldman, Gaines, Gutierrez, Heller, Hixson, Hubbard, Hucker, Jones, N. King, Lawton, Lee, Manno, McIntosh, Mizeur, Montgomery, Niemann, Pena-Melnyk, Pendergrass, Proctor, Rosenberg, Ross, Schuler, Stein, F. Turner, and Waldstreicher**

Introduced and read first time: February 8, 2007

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 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; defining certain terms; requiring the Comptroller to  
10 distribute certain proceeds from the sale of abandoned property to the Public  
11 Election Fund for certain purposes; specifying certain procedures, requirements,  
12 and conditions participating candidates must meet to receive a distribution  
13 from the Fund; requiring that participating candidates adhere to certain  
14 campaign expenditure limits, subject to certain exceptions; requiring the  
15 Comptroller to perform certain duties in connection with the establishment,  
16 maintenance, and administration of the Fund; regulating contributions and  
17 expenditures made by political parties on behalf of participating candidates;  
18 regulating coordinated expenditures made by or on behalf of participating  
19 candidates; specifying certain additional campaign finance reporting  
20 requirements for certain candidates and political organizations; authorizing a  
21 citizen to bring civil action in court against certain candidates under certain  
22 circumstances; providing for judicial review of certain actions by the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Commission; providing for certain penalties; specifying the terms of the initial  
 2 members of the Commission; providing that certain catchlines are not law and  
 3 may not be considered to have been enacted as part of this Act; making  
 4 provisions of this Act severable; requiring the Election Financing Commission to  
 5 report to the General Assembly on or before a certain date; and generally  
 6 relating to the Public Campaign Financing Act for Candidates for the General  
 7 Assembly.

8 BY repealing and reenacting, with amendments,  
 9 Article – Commercial Law  
 10 Section 17–317  
 11 Annotated Code of Maryland  
 12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,  
 14 Article – Election Law  
 15 Section 13–235(d)  
 16 Annotated Code of Maryland  
 17 (2003 Volume and 2006 Supplement)

18 BY adding to  
 19 Article – Election Law  
 20 Section 15.5–101 through 15.5–121 to be under the new title “Title 15.5. Public  
 21 Campaign Financing Act for Candidates for the General Assembly”  
 22 Annotated Code of Maryland  
 23 (2003 Volume and 2006 Supplement)

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

26 **Article – Commercial Law**

27 17–317.

28 (a) (1) All funds received under this title, including the proceeds of the  
 29 sale of abandoned property under § 17–316 of this subtitle, shall be credited by the  
 30 Administrator to a special fund. The Administrator shall retain in the special fund at  
 31 the end of each fiscal year, from the proceeds received, an amount not to exceed  
 32 \$50,000, from which sum the Administrator shall pay any claim allowed under this  
 33 title.

34 (2) After deducting all costs incurred in administering this title from  
 35 the remaining net funds the Administrator shall distribute:

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

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

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

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

15 **Article - Election Law**

16 13-235.

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

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

27 **TITLE 15.5. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE**  
28 **GENERAL ASSEMBLY.**

29 **15.5-101. DEFINITIONS.**

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

3           (B) “COMMISSION” MEANS THE ELECTION FINANCING COMMISSION.

4           (C) “COMPTROLLER” MEANS THE STATE COMPTROLLER OF THE  
5 TREASURY.

6           (D) (1) “EXPRESS ADVOCACY INDEPENDENT EXPENDITURE” MEANS  
7 ANY INDEPENDENT EXPENDITURE THAT EXPRESSLY ADVOCATES THE ELECTION  
8 OR DEFEAT OF ANY CANDIDATE FOR A STATE LEGISLATIVE OFFICE MADE:

9                       (I) TO THE PUBLIC;

10                      (II) WITHIN 90 DAYS BEFORE THE PRIMARY ELECTION OR  
11 WITHIN 90 DAYS BEFORE THE GENERAL ELECTION; AND

12                      (III) WITH A CUMULATIVE VALUE OF \$250.

13                      (2) “EXPRESS ADVOCACY INDEPENDENT EXPENDITURE” DOES  
14 NOT INCLUDE AN EXPENDITURE FOR AN ELECTIONEERING MESSAGE  
15 DISTRIBUTED BY AN ORGANIZATION TO ITS OWN MEMBERS ALONE.

16           (E) “FUND” MEANS THE PUBLIC ELECTION FUND.

17           (F) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE WHO  
18 QUALIFIES TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR  
19 ELECTION AS A MEMBER OF THE GENERAL ASSEMBLY.

20           (G) “PUBLIC CONTRIBUTION” MEANS A SUM DISBURSED FROM THE  
21 FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS  
22 OF THIS TITLE.

23           (H) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION:

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

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

1           **(I) “SEED MONEY” MEANS A SUM OF LAWFULLY RAISED ELIGIBLE**  
2 **PRIVATE CONTRIBUTIONS THAT:**

3                   **(1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL**  
4 **ASSEMBLY;**

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

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

10 **15.5-102. COMMISSION – IN GENERAL.**

11           **(A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF**  
12 **FIVE MEMBERS.**

13                   **(B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN**  
14 **ANNAPOLIS AND HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND**  
15 **PENSIONS ARTICLE, AS PROVIDED IN THE STATE BUDGET.**

16                   **(2) THE COMMISSION SHALL MEET AT LEAST ONCE EACH**  
17 **QUARTER.**

18           **(C) EACH MEMBER OF THE COMMISSION:**

19                   **(1) SHALL BE A REGISTERED VOTER IN THE STATE FOR THE 2**  
20 **YEARS IMMEDIATELY PRECEDING THE APPOINTMENT;**

21                   **(2) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, SHALL BE**  
22 **ELIGIBLE FOR REAPPOINTMENT;**

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

25                   **(4) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR**  
26 **INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, ON WRITTEN CHARGES**

1 FILED BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING BEEN  
2 AFFORDED AMPLE OPPORTUNITY TO BE HEARD; AND

3 (5) MAY NOT BE:

4 (I) A REGULATED LOBBYIST WHO IS REQUIRED TO  
5 REGISTER WITH THE STATE ETHICS COMMISSION UNDER TITLE 15, SUBTITLE 7  
6 OF THE STATE GOVERNMENT ARTICLE;

7 (II) EMPLOYED BY A REGULATED LOBBYIST;

8 (III) A MEMBER OF THE GENERAL ASSEMBLY;

9 (IV) AN OFFICER OF A POLITICAL PARTY; OR

10 (V) A CURRENT OFFICER OR STAFF MEMBER OF A  
11 POLITICAL CAMPAIGN.

12 (D) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, FOUR MEMBERS  
13 OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITH THE  
14 ADVICE AND CONSENT OF THE SENATE, WHO SHALL THEN ELECT THE FIFTH  
15 MEMBER.

16 (E) (1) EACH MEMBER OF THE COMMISSION APPOINTED BY THE  
17 GOVERNOR SHALL BE A MEMBER OF ONE OF THE PRINCIPAL POLITICAL  
18 PARTIES.

19 (2) TWO MEMBERS OF THE COMMISSION SHALL BE OF THE  
20 MAJORITY PARTY, AND TWO MEMBERS OF THE COMMISSION SHALL BE OF THE  
21 PRINCIPAL MINORITY PARTY.

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

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

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

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

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

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

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

11           **(J) EACH MEMBER SHALL RECEIVE PER DIEM COMPENSATION OF \$100**  
12 **FOR ATTENDANCE AT:**

13           **(1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND**

14           **(2) EACH ADDITIONAL MEETING, TO A MAXIMUM OF THREE,**  
15 **CALLED BY THE CHAIR DURING A CALENDAR YEAR.**

16 **15.5-103. SAME - DUTIES.**

17           **(A) THE COMMISSION SHALL MANAGE AND SUPERVISE THE SYSTEM OF**  
18 **PUBLIC FUNDING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.**

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

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

23           **(I) CONTRIBUTIONS TO AND EXPENDITURES BY**  
24 **PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED**  
25 **CAMPAIGN FINANCE ENTITIES; AND**

26           **(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE**  
27 **DISBURSED TO PARTICIPATING CANDIDATES;**

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

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

6                   (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON  
7 PARTICIPATING CANDIDATES;

8                   (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

9                   (III) A DETAILED SUMMARY REGARDING SEED MONEY,  
10 QUALIFYING CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED  
11 BY PARTICIPATING CANDIDATES;

12                   (IV) EXPENDITURES MADE BY PARTICIPATING AND  
13 NONPARTICIPATING CANDIDATES; AND

14                   (V) ANY OTHER INFORMATION THE COMMISSION  
15 DETERMINES TO BE APPROPRIATE;

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

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

21 **15.5-104. SAME - DISCRETIONARY POWERS.**

22           **THE COMMISSION MAY:**

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

25                   (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF  
26 ITS FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF  
27 THIS TITLE;



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

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

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

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

10           **(7) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN**  
11 **FINANCE ENTITY SUBJECT TO THIS ARTICLE;**

12           **(8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH**  
13 **THIS TITLE;**

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

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

19           **(11) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:**

20                   **(I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A**  
21 **VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;**

22                   **(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**  
23 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**  
24 **VIOLATION;**

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

27                   **(IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE**  
28 **ISSUANCE OF THE INJUNCTION.**

1 **15.5-105. THE FUND.**

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

3 (2) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
4 **SUBJECT 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**  
8 **CAMPAIGNS OF CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY**  
9 **ELECTION OR GENERAL ELECTION AS CERTIFIED BY THE COMMISSION UNDER**  
10 **THIS TITLE; AND**

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

13 (4) **THE COMPTROLLER SHALL:**

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

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

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

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

27 (C) **IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF**  
28 **SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, AND THE APPROPRIATION**

1 UNDER SUBSECTION (D) OF THIS SECTION, THE FUND SHALL CONSIST OF THE  
2 FOLLOWING MONEYS:

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

6 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES  
7 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS  
8 TITLE;

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

12 (4) UNSPENT MONEY THAT:

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

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

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

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

21 (7) INTEREST GENERATED BY THE FUND;

22 (8) AT LEAST \$7,500,000 EACH FISCAL YEAR FROM THE  
23 DISPOSITION OF ABANDONED PROPERTY IN THE STATE AS PROVIDED UNDER  
24 TITLE 17 OF THE COMMERCIAL LAW ARTICLE; AND

25 (9) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE  
26 GENERAL ASSEMBLY.

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

4           **(2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY**  
5 **JANUARY 1, 2008, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE**  
6 **GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2009 BUDGET THAT,**  
7 **WHEN COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO**  
8 **CARRY OUT THIS TITLE.**

9 **15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL**  
10 **ASSEMBLY – ALLOWABLE CONTRIBUTIONS.**

11           **(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL**  
12 **ASSEMBLY MAY ACCEPT PRIVATE CONTRIBUTIONS FROM A PERSON ONLY AS**  
13 **SPECIFIED IN THIS SECTION, INCLUDING:**

14           **(1) SEED MONEY OF NO MORE THAN:**

15                   **(I) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE**  
16 **SENATE OF MARYLAND; OR**

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

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

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

26           **(B) A PARTICIPATING CANDIDATE MAY RETAIN ANY PRIVATE**  
27 **CONTRIBUTIONS, BUT MAY NOT SPEND PRIVATE MONEY DURING THE PRIMARY**  
28 **ELECTION PERIOD OR THE GENERAL ELECTION PERIOD EXCEPT ALLOWABLE**  
29 **PARTY CONTRIBUTIONS AND THE ALLOWABLE PRO RATA SLATE CONTRIBUTION**  
30 **UNDER §§ 15.5-114(A) AND 15.5-115(F) OF THIS TITLE.**

1           (C)    A PARTICIPATING CANDIDATE MAY NOT RECEIVE CONTRIBUTIONS  
2 OR ESTABLISH OR MAINTAIN A CAMPAIGN ACCOUNT OTHER THAN THE  
3 PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED UNDER THIS TITLE.

4 **15.5-107. SAME – RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.**

5           (A)    A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL  
6 ASSEMBLY:

7                   (1)    MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER §  
8 **15.5-106** OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING  
9 CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

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

12           (B)    EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN  
13 ACCORDANCE WITH § **15.5-109(c)** OF THIS TITLE, A PARTICIPATING CANDIDATE  
14 FOR ELECTION TO THE GENERAL ASSEMBLY MAY CAUSE AN EXPENDITURE TO  
15 BE MADE DURING THE PRIMARY ELECTION DISBURSEMENT PERIOD OR THE  
16 GENERAL ELECTION DISBURSEMENT PERIOD ONLY FROM THE CANDIDATE'S  
17 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

18 **15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY**  
19 **CANDIDATES.**

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

22                   (1)    A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND  
23 SHALL SUBMIT:

24                           (I)    AT LEAST **350** QUALIFYING CONTRIBUTIONS; AND

25                           (II)   ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST  
26 **\$6,750.**

1           **(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES**  
2 **SHALL SUBMIT:**

3                   **(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS.**

4                   **(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST**  
5 **\$6,750.**

6           **(B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A**  
7 **CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE**  
8 **FUND.**

9           **(C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING**  
10 **CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR**  
11 **DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:**

12                   **(1) THE PRINTED NAME OF THE CONTRIBUTOR;**

13                   **(2) THE ADDRESS OF THE CONTRIBUTOR; AND**

14                   **(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS**  
15 **THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION**  
16 **AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR**  
17 **REIMBURSEMENT.**

18           **(D) (1) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS**  
19 **ONLY DURING THE PERIOD THAT:**

20                   **(I) BEGINS ON AUGUST 1 IN THE YEAR PRECEDING THE**  
21 **PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND**

22                   **(II) ENDS ON AUGUST 1 IN THE YEAR OF THE PRIMARY**  
23 **ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.**

24                   **(2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE**  
25 **GENERAL ASSEMBLY IS BOUND BY THE FUNDRAISING RESTRICTIONS**  
26 **SPECIFIED UNDER § 13-235 OF THIS ARTICLE.**

1           **(E) QUALIFYING CONTRIBUTIONS SHALL COUNT TOWARDS SATISFYING**  
2 **THE FUNDRAISING REQUIREMENT UNDER THIS SECTION.**

3 **15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.**

4           **(A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE**  
5 **REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION**  
6 **SHALL:**

7                   **(1) IN CONJUNCTION WITH THE PARTICIPATING CANDIDATE,**  
8 **ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE;**  
9 **AND**

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

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

19           **(C) A PARTICIPATING CANDIDATE MAY:**

20                   **(1) MAINTAIN A PETTY CASH FUND IN ACCORDANCE WITH §**  
21 **13-220(C) OF THIS ARTICLE; AND**

22                   **(2) MAKE A CAMPAIGN EXPENDITURE FROM PARTY**  
23 **CONTRIBUTIONS OR SEED MONEY.**

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

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

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

4 **15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE**  
 5 **GENERAL ASSEMBLY.**

6           **(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF**  
 7 **MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS**  
 8 **OF THE LIMIT SPECIFIED IN THIS SUBSECTION.**

	<b>PRIMARY</b>	<b>GENERAL</b>	<b>TOTAL</b>
10 <b>CONTESTED SENATE</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$100,000</b>
11 <b>UNCONTESTED SENATE</b>	<b>10,000</b>	<b>6,000</b>	<b>16,000</b>

12           **(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF**  
 13 **DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN**  
 14 **EXCESS OF THE AMOUNTS SPECIFIED IN THIS SUBSECTION.**

	<b>PRIMARY</b>	<b>GENERAL</b>	<b>TOTAL</b>
16 <b>CONTESTED HOUSE</b>			
17 <b>(THREE MEMBER)</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$80,000</b>
18 <b>(TWO MEMBER)</b>	<b>35,000</b>	<b>35,000</b>	<b>70,000</b>
19 <b>(SINGLE MEMBER)</b>	<b>20,000</b>	<b>20,000</b>	<b>40,000</b>
20 <b>UNCONTESTED HOUSE</b>			
21 <b>(THREE MEMBER)</b>	<b>\$10,000</b>	<b>\$6,000</b>	<b>\$16,000</b>
22 <b>(TWO MEMBER)</b>	<b>8,000</b>	<b>5,000</b>	<b>13,000</b>



1                                   **(SINGLE MEMBER)                                   6,000                                   4,000                                   10,000**

2                   **(C) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE**  
 3 **FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF**  
 4 **DELEGATES WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING**  
 5 **CANDIDATE IN:**

6                                   **(I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR**

7                                   **(II) AN UNCONTESTED PRIMARY ELECTION.**

8                   **(2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A**  
 9 **CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE**  
 10 **APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT**  
 11 **CANDIDATE UNDER THIS SECTION SO THAT:**

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

17                                   **(II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY**  
 18 **RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE**  
 19 **COMBINED EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE**  
 20 **PRIMARY ELECTION AND FOR THE GENERAL ELECTION.**

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

27 **15.5-111. PARTICIPATING CANDIDATES - SUPPLEMENTAL PUBLIC**  
 28 **DISTRIBUTIONS AUTHORIZED.**

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

4           **(1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A**  
5 **NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL**  
6 **ELECTION; AND**

7           **(2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES**  
8 **THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING**  
9 **CANDIDATE.**

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

15 **15.5-112. PARTICIPATING CANDIDATES - ELIGIBILITY REQUIREMENTS FOR**  
16 **DISBURSEMENTS FROM THE FUND.**

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

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

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

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

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

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

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

7 **15.5-113. DISBURSEMENTS BY THE COMPTROLLER.**

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

13           **(2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC**  
14 **CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES**  
15 **INCURRED FOR THE PRIMARY ELECTION.**

16           **(3) SUBJECT TO § 15.5-110 OF THIS TITLE, THE COMMISSION**  
17 **MAY DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR**  
18 **THE PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY**  
19 **ELECTION.**

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

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

30           **(2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A**  
31 **PARTICIPATING CANDIDATE SHALL RETURN TO THE COMMISSION ANY PART OF**

1 THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE  
2 GENERAL ELECTION.

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

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

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

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

15 **15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

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

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

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

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

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

3           (2) A POLITICAL PARTY CONVENTION;

4           (3) NOMINATING AND ENDORSING CANDIDATES;

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

7           (5) PARTY PLATFORM ACTIVITIES;

8           (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT  
9 CANDIDATE-SPECIFIC;

10           (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT  
11 CANDIDATE-SPECIFIC;

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

14           (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT  
15 CANDIDATE-SPECIFIC.

16 **15.5-115. COORDINATED EXPENDITURES.**

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

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

23           (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER  
24 SUBSECTION (B) OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY  
25 PRECEDING AN ELECTION, A NONPARTICIPATING CANDIDATE SHALL REPORT TO  
26 THE STATE BOARD WITHIN 48 HOURS AFTER THE EXPENDITURE IS MADE, OR

1 OBLIGATED TO BE MADE, EACH INDIVIDUAL COORDINATED EXPENDITURE OF  
2 MORE THAN \$250.

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

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

15 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE  
16 OPPOSING PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL  
17 THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE  
18 EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE,  
19 BUT MAY NOT 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  
24 TO THE PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN  
25 PARAGRAPH (2) OF THIS SUBSECTION.

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

31 **15.5-116. ADDITIONAL CANDIDATE REPORTING REQUIREMENTS.**

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

6                   (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND  
7 EXPENDITURES MADE; AND

8                   (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE  
9 CANDIDATE.

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

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

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

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

28 **15.5-117. ADDITIONAL INDEPENDENT REPORTING REQUIREMENTS.**

29           (A) FOR THE PURPOSES OF THIS SECTION:

1           (1) "PRINCIPAL OPPONENT" MEANS THE OPPONENT OF A  
2 PARTICIPATING CANDIDATE WHO HAS THE HIGHEST TOTAL OF THE OPPONENT'S  
3 OWN EXPENDITURES AND OF EXPRESS ADVOCACY INDEPENDENT  
4 EXPENDITURES SUPPORTING THE OPPONENT; AND

5           (2) THE REPORTING REQUIREMENTS OF § 13-301 OF THIS  
6 ARTICLE ALSO APPLY TO ANY OUT-OF-STATE CAMPAIGN, POLITICAL CLUB, OR  
7 POLITICAL ACTION COMMITTEE MAKING EXPRESS ADVOCACY EXPENDITURES IN  
8 THE STATE.

9           (B) ANY EXPRESS ADVOCACY INDEPENDENT EXPENDITURE MADE IN  
10 THE STATE SHALL BE REPORTED TO THE STATE BOARD WITHIN 48 HOURS OF  
11 RELEASE TO THE GENERAL PUBLIC.

12           (C) THE STATE BOARD SHALL DEVELOP AN INTERNET SITE WHERE  
13 EXPRESS ADVOCACY INDEPENDENT EXPENDITURES SHALL BE REPORTED.

14           (D) THE REPORT SHALL INCLUDE:

15               (1) THE DATE WHEN THE MESSAGE PURCHASED WITH THE  
16 EXPRESS ADVOCACY INDEPENDENT EXPENDITURE IS RELEASED TO THE  
17 PUBLIC;

18               (2) THE CANDIDACY THE EXPRESS ADVOCACY INDEPENDENT  
19 EXPENDITURE IS DESIGNED TO SUPPORT OR DEFEAT;

20               (3) THE DOLLAR VALUE OF THE EXPRESS ADVOCACY  
21 INDEPENDENT EXPENDITURE; AND

22               (4) THE SPONSOR OF THE EXPRESS ADVOCACY INDEPENDENT  
23 EXPENDITURE.

24           (E) IF THE SPONSOR OF THE EXPRESS ADVOCACY INDEPENDENT  
25 EXPENDITURE IS AN ORGANIZATION, THE SPONSOR SHALL BE CONSIDERED THE  
26 CHIEF EXECUTIVE OFFICER OF THAT ORGANIZATION.

27           (F) THE WEBSITE DEVELOPED BY THE STATE BOARD SHALL BE  
28 ACCESSIBLE AND USABLE BY A STANDARD INTERNET BROWSER ALONE.



1           **(G) (1) ON RECEIPT OF AN EXPRESS ADVOCACY INDEPENDENT**  
2 **EXPENDITURE REPORT FROM A NONPARTICIPATING CANDIDATE, THE STATE**  
3 **BOARD SHALL ADD THE AMOUNT OF THE EXPENDITURE TO THE SUM OF THE**  
4 **EXPENDITURES OF:**

5                           **(I) THE PRINCIPAL OPPONENT OF THE PARTICIPATING**  
6 **CANDIDATE;**

7                           **(II) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES**  
8 **SUPPORTING THE PRINCIPAL OPPONENT; AND**

9                           **(III) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES IN**  
10 **OPPOSITION TO THE PARTICIPATING CANDIDATE.**

11                   **(2) AN INDEPENDENT EXPENDITURE MAY NOT BE COUNTED AS**  
12 **BOTH OPPOSING A PARTICIPATING CANDIDATE AND SUPPORTING THAT**  
13 **CANDIDATE'S OPPONENT.**

14           **(H) (1) IF THE SUM OF THE EXPENDITURES LISTED IN SUBSECTION**  
15 **(G) OF THIS SECTION EXCEEDS THE PUBLIC EXPENDITURE LIMITATION**  
16 **APPLICABLE TO THE PARTICIPATING CANDIDATE, THE STATE BOARD SHALL**  
17 **IMMEDIATELY RELEASE A SUPPLEMENTAL CONTRIBUTION FROM THE FUND TO**  
18 **THE PARTICIPATING CANDIDATE, SUBJECT TO THE LIMITATION IN PARAGRAPH**  
19 **(2) OF THIS SUBSECTION.**

20                   **(2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE**  
21 **OPPOSING PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL**  
22 **THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE**  
23 **EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE,**  
24 **BUT MAY NOT EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.**

25 **15.5-118. CITIZEN ACTIONS.**

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

29                   **(1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT WITH THE**  
30 **COMMISSION REGARDING THE ALLEGED VIOLATION; AND**

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

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

7 **15.5-119. JUDICIAL REVIEW.**

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

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

14 **15.5-120. PENALTIES.**

15           **(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR**  
16 **INTENTIONALLY:**

17           **(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT**  
18 **ENTITLED;**

19           **(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER**  
20 **THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR**

21           **(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE**  
22 **FUND.**

23           **(B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING**  
24 **CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR**  
25 **MADE AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT**  
26 **APPLICABLE TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR**  
27 **EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR**  
28 **AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE**

1 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT  
2 FOR NOT MORE THAN 2 YEARS OR BOTH.

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

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

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

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

22 **15.5-121. SHORT TITLE.**

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

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

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

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

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

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

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

12           (1)    Two of the members appointed from the majority party and one of  
13 the members appointed from the principal minority party in 2010;

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

16           (3)    The first elected member in 2011.

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

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

26           SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this  
27 Act or the application thereof to any person or circumstance is held invalid for any  
28 reason in a court of competent jurisdiction, the invalidity does not affect other  
29 provisions or any other application of this Act which can be given effect without the  
30 invalid provision or application, and for this purpose the provisions of this Act are  
31 declared severable.

32           SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2007.