

HOUSE BILL 971

G1
SB 546/07 – EHE

8lr1681
CF SB 593

By: **Delegates Cardin, Ali, Barkley, Barnes, Benson, Bobo, Bronrott, Carr, V. Clagett, Doory, Feldman, Frush, Gutierrez, Healey, Heller, Hixson, Holmes, Howard, Huckler, Jones, Kaiser, Krysiak, Lee, Love, Manno, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Niemann, Pendergrass, Proctor, Rosenberg, Schuler, Stein, Taylor, F. Turner, V. Turner, and Waldstreicher**

Introduced and read first time: February 7, 2008

Assigned to: Ways and Means

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
23 Commission; providing for certain penalties; specifying the terms of the initial
24 members of the Commission; providing that certain catchlines are not law and
25 may not be considered to have been enacted as part of this Act; requiring the
26 Commission to request a certain determination from the State Comptroller on

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or before a certain date; requiring the Commission to adopt certain regulations;
 2 making provisions of this Act severable; requiring the Election Financing
 3 Commission to report to the General Assembly on or before a certain date;
 4 providing for a delayed effective date; making this Act subject to a certain
 5 contingency; and generally relating to the Public Campaign Financing Act for
 6 Candidates for the General Assembly.

7 BY repealing and reenacting, with amendments,
 8 Article – Commercial Law
 9 Section 17–317
 10 Annotated Code of Maryland
 11 (2005 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article – Election Law
 14 Section 13–235(d)
 15 Annotated Code of Maryland
 16 (2003 Volume and 2007 Supplement)

17 BY adding to
 18 Article – Election Law
 19 Section 15.5–101 through 15.5–121 to be under the new title “Title 15.5. Public
 20 Campaign Financing Act for Candidates for the General Assembly”
 21 Annotated Code of Maryland
 22 (2003 Volume and 2007 Supplement)

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

25 **Article – Commercial Law**

26 17–317.

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

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

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

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

4 (3) (i) Subject to subparagraph (ii) of this paragraph, the
5 Administrator shall distribute all unclaimed money from judgments of restitution
6 under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of
7 Crime Fund established under § 11-916 of the Criminal Procedure Article to assist
8 victims of crimes and delinquent acts to protect the victims' rights as provided by law.

9 (ii) If a victim entitled to restitution that has been treated as
10 abandoned property under § 11-614 of the Criminal Procedure Article is located after
11 the money has been distributed under this paragraph, the Administrator shall reduce
12 the next distribution to the State Victims of Crime Fund by the amount recovered by
13 the victim.

14 (4) After making the distributions required under paragraphs (2) and
15 (3) of this subsection, the Administrator shall distribute the remaining net funds not
16 retained under paragraph (1) of this subsection to the General Fund of the State.

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

23 **Article - Election Law**

24 13-235.

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

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

35 **TITLE 15.5. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE** 36 **GENERAL ASSEMBLY.**

37 **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) “ELECTIONEERING COMMUNICATIONS” MEANS CAMPAIGN
7 MATERIAL THAT INCLUDES THE NAME OF A CANDIDATE BUT THAT DOES NOT
8 EXPRESSLY ADVOCATE A VOTE FOR OR AGAINST THE CANDIDATE.

9 (E) (1) “EXPRESS ADVOCACY INDEPENDENT EXPENDITURE” MEANS
10 ANY INDEPENDENT EXPENDITURE THAT EXPRESSLY ADVOCATES THE ELECTION
11 OR DEFEAT OF ANY CANDIDATE FOR A STATE LEGISLATIVE OFFICE MADE:

12 (I) TO THE PUBLIC; AND

13 (II) WITH A CUMULATIVE VALUE OF \$250.

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

17 (F) “FUND” MEANS THE PUBLIC ELECTION FUND.

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

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

24 (I) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION:

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

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

29 (J) “SEED MONEY” MEANS A SUM OF LAWFULLY RAISED ELIGIBLE
30 PRIVATE CONTRIBUTIONS THAT:

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

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

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

8 **15.5-102. COMMISSION – IN GENERAL.**

9 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF
10 FIVE MEMBERS.

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

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

16 (C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

27 (5) MAY NOT BE:

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

- 1 (II) EMPLOYED BY A REGULATED LOBBYIST;
- 2 (III) A MEMBER OF THE GENERAL ASSEMBLY;
- 3 (IV) AN OFFICER OF A POLITICAL PARTY; OR
- 4 (V) A CURRENT OFFICER OR STAFF MEMBER OF A
5 POLITICAL CAMPAIGN.

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

10 (E) AT LEAST TWO MEMBERS OF THE COMMISSION SHALL BE OF THE
11 MAJORITY PARTY, AND AT LEAST TWO MEMBERS OF THE COMMISSION SHALL BE
12 OF THE PRINCIPAL MINORITY PARTY.

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

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

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

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

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

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

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

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

30 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

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

3 **15.5-103. SAME - DUTIES.**

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

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

7 (1) DEVELOP AND ADOPT REGULATIONS THAT:

8 (I) ESTABLISH AN INITIAL LIMIT ON THE NUMBER OF
9 PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

10 (II) ALLOW FOR AN INCREASE OR DECREASE IN THE
11 NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN
12 CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

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

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

19 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
20 DISBURSED TO PARTICIPATING CANDIDATES;

21 (3) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES
22 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM
23 CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS
24 PUBLIC CAMPAIGN FINANCING ACT;

25 (4) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY,
26 IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AFTER
27 EACH ELECTION CYCLE THAT INCLUDES:

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

30 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

1 (III) A DETAILED SUMMARY REGARDING SEED MONEY,
2 QUALIFYING CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED
3 BY PARTICIPATING CANDIDATES;

4 (IV) EXPENDITURES MADE BY PARTICIPATING AND
5 NONPARTICIPATING CANDIDATES; AND

6 (V) ANY OTHER INFORMATION THE COMMISSION
7 DETERMINES TO BE APPROPRIATE;

8 (5) HAVE ITS BOOKS AND ACTIVITIES AUDITED AT LEAST ONCE
9 EACH YEAR BY A CERTIFIED PUBLIC ACCOUNTANT; AND

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

13 **15.5-104. SAME - DISCRETIONARY POWERS.**

14 **THE COMMISSION MAY:**

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

17 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF
18 ITS FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF
19 THIS TITLE;

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

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

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

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

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

1 (8) **LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH**
2 **THIS TITLE;**

3 (9) **IMPLEMENT A DEBIT CARD SYSTEM TO ALLOW A**
4 **PARTICIPATING CANDIDATE TO ACCESS THE CANDIDATE’S PUBLICLY FUNDED**
5 **CAMPAIGN ACCOUNT THAT IS ESTABLISHED UNDER THIS TITLE;**

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

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

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

11 (II) **FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**
12 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**
13 **VIOLATION;**

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

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

18 **15.5-105. THE FUND.**

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

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

22 (3) **THE FUND SHALL BE USED TO:**

23 (I) **PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT**
24 **BEGINS ON JANUARY 1, 2008, PUBLIC FINANCING FOR THE ELECTION**
25 **CAMPAIGNS OF CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY**
26 **ELECTION OR GENERAL ELECTION AS CERTIFIED BY THE COMMISSION UNDER**
27 **THIS TITLE; AND**

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

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

1 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE
2 PROVISIONS OF THIS TITLE; AND

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

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

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

14 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF
15 SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, AND THE APPROPRIATION
16 UNDER SUBSECTION (D) OF THIS SECTION, THE FUND SHALL CONSIST OF THE
17 FOLLOWING MONEYS:

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

21 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES
22 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS
23 TITLE;

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

27 (4) UNSPENT MONEY THAT:

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

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

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

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

4 (7) INTEREST GENERATED BY THE FUND;

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

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

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

13 (2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY
14 JUNE 1, 2009, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE
15 GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2010 BUDGET THAT,
16 WHEN COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO
17 CARRY OUT THIS TITLE.

18 **15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL**
19 **ASSEMBLY - ALLOWABLE CONTRIBUTIONS.**

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

23 (1) SEED MONEY OF NO MORE THAN:

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

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

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

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

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

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

13 **15.5-107. SAME - RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.**

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

16 **(1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER §**
17 **15.5-106 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING**
18 **CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND**

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

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

27 **15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY**
28 **CANDIDATES.**

29 **(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE**
30 **FOR A PUBLIC CONTRIBUTION FROM THE FUND:**

31 **(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND**
32 **SHALL SUBMIT:**

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

1 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST
2 **\$6,750; AND**

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

5 (I) AT LEAST **350** QUALIFYING CONTRIBUTIONS;

6 (II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST
7 **\$6,750; AND**

8 (III) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS
9 **SET UNDER REGULATIONS ADOPTED BY THE COMMISSION.**

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

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

16 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

17 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

24 (I) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE
25 **PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND**

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

28 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE
29 **GENERAL ASSEMBLY IS BOUND BY THE FUNDRAISING RESTRICTIONS**
30 **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.**

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

1 **15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE**
 2 **GENERAL ASSEMBLY.**

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

	PRIMARY	GENERAL	TOTAL
7 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
8 UNCONTESTED SENATE	10,000	6,000	16,000

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

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

21 (C) IN ADDITION TO THE AMOUNT SPECIFIED UNDER SUBSECTION (A)
 22 OR (B) OF THIS SECTION, A PARTICIPATING CANDIDATE MAY RECEIVE A
 23 DISTRIBUTION FROM THE FUND FOR NOT MORE THAN ONE-HALF OF THE
 24 EXPENDITURES INCURRED BY THE PARTICIPATING CANDIDATE FOR
 25 ELECTIONEERING COMMUNICATIONS WITHIN THE 60 DAYS IMMEDIATELY
 26 PRECEDING THE ELECTION.

27 (D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE
 28 FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF
 29 DELEGATES WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING
 30 CANDIDATE IN:

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

32 (II) AN UNCONTESTED PRIMARY ELECTION.

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

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

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

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

20 **15.5-111. PARTICIPATING CANDIDATES - SUPPLEMENTAL PUBLIC**
21 **DISTRIBUTIONS AUTHORIZED.**

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

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

28 **(2) THE NONPARTICIPATING CANDIDATE RECEIVES**
29 **CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE EXPENDITURE**
30 **LIMIT ESTABLISHED FOR THE PARTICIPATING CANDIDATE.**

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

1 **15.5-112. PARTICIPATING CANDIDATES - ELIGIBILITY REQUIREMENTS FOR**
2 **DISBURSEMENTS FROM THE FUND.**

3 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING
4 CANDIDATE AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL
5 SUBMIT TO THE COMMISSION:

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

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

11 (3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING
12 CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING
13 PERIOD;

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

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

18 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
19 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL
20 RECEIVE THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE
21 FOR THAT LEGISLATIVE OFFICE.

22 **15.5-113. DISBURSEMENTS BY THE COMPTROLLER.**

23 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION
24 SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE
25 FUND TO EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
26 ASSEMBLY WHO THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC
27 CONTRIBUTION FOR THE PRIMARY ELECTION.

28 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC
29 CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES
30 INCURRED FOR THE PRIMARY ELECTION.

31 (3) SUBJECT TO § 15.5-110 OF THIS TITLE, THE COMMISSION
32 MAY DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR

1 THE PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY
2 ELECTION.

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

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

13 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A
14 PARTICIPATING CANDIDATE SHALL RETURN TO THE COMMISSION ANY PART OF
15 THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
16 GENERAL ELECTION.

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

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

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

25 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN
26 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE
27 NO LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE
28 DISBURSEMENT BE MADE.

29 **15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

30 (A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE
31 GENERAL ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL
32 CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS
33 FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING
34 CANDIDATE DOES NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR
35 THAT OFFICE.

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

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

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

10 **(1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL**
11 **PARTY;**

12 **(2) A POLITICAL PARTY CONVENTION;**

13 **(3) NOMINATING AND ENDORSING CANDIDATES;**

14 **(4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY’S**
15 **POSITIONS ON ISSUES;**

16 **(5) PARTY PLATFORM ACTIVITIES;**

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

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

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

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

25 **15.5-115. COORDINATED EXPENDITURES.**

26 **(A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A**
27 **PARTICIPATING CANDIDATE FOR ELECTION TO A STATE LEGISLATIVE OFFICE**
28 **SHALL BE MADE ONLY WITH PUBLIC FUNDS.**

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

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

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

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

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

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

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

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

33 **(2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR**
34 **ON BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED**
35 **TO THE PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE**

1 AMOUNT OF THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE
2 NUMBER OF CANDIDATES WHO ARE MEMBERS OF THE SLATE.

3 **15.5-116. ADDITIONAL CANDIDATE REPORTING REQUIREMENTS.**

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

9 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND
10 EXPENDITURES MADE; AND

11 (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE
12 CANDIDATE.

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

19 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
20 THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A
21 NONPARTICIPATING CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 48
22 HOURS OF EACH EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR
23 BECOMES OBLIGATED TO MAKE.

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

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

31 **15.5-117. ADDITIONAL INDEPENDENT REPORTING REQUIREMENTS.**

32 (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 24 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.

29 (G) (1) ON RECEIPT OF AN EXPRESS ADVOCACY INDEPENDENT
30 EXPENDITURE REPORT, THE STATE BOARD SHALL ADD THE AMOUNT OF THE
31 EXPENDITURE TO THE SUM OF THE EXPENDITURES OF:

1 (I) THE PRINCIPAL OPPONENT OF THE PARTICIPATING
2 CANDIDATE;

3 (II) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES
4 SUPPORTING THE PRINCIPAL OPPONENT; AND

5 (III) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES IN
6 OPPOSITION TO THE PARTICIPATING CANDIDATE.

7 (2) AN EXPRESS ADVOCACY INDEPENDENT EXPENDITURE MAY
8 NOT BE COUNTED AS BOTH OPPOSING A PARTICIPATING CANDIDATE AND
9 SUPPORTING THAT CANDIDATE'S OPPONENT.

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

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

21 **15.5-118. CITIZEN ACTIONS.**

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

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

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

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

33 **15.5-119. JUDICIAL REVIEW.**

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

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

7 **15.5-120. PENALTIES.**

8 (A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR
9 INTENTIONALLY:

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

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

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

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

24 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
25 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT
26 THE AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN
27 4% OF THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE
28 VIOLATION CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN
29 THE ELECTION, THE COMMISSION MAY RECOMMEND TO THE GENERAL
30 ASSEMBLY THAT THE RESULTS OF THE ELECTION BE NULLIFIED AND THE
31 OFFICE DECLARED VACANT.

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

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

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

9 **15.5-121. SHORT TITLE.**

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That no later than 1 year after
13 the end of the first election cycle in which the system of public financing of election
14 campaigns provided for under this Act is implemented, the Election Financing
15 Commission shall submit a written report to the Governor and, in accordance with §
16 2-1246 of the State Government Article, to the General Assembly, concerning:

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

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

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

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

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

30 (1) Two of the members appointed from the majority party and one of
31 the members appointed from the principal minority party in 2011;

32 (2) One of the members appointed from the majority party and one of
33 the members appointed from the principal minority party in 2009; and

1 (3) The first elected member in 2012.

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

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

11 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before June 1,
12 2009, the Election Financing Commission shall request a determination from the State
13 Comptroller as to whether new revenue measures that cumulatively equal or exceed
14 \$1,000,000,000 in annual revenue increases for the State have been enacted since the
15 conclusion of the 2008 Session of the General Assembly and not later than the 2009
16 Session of the General Assembly.

17 SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this
18 Act or the application thereof to any person or circumstance is held invalid for any
19 reason in a court of competent jurisdiction, the invalidity does not affect other
20 provisions or any other application of this Act which can be given effect without the
21 invalid provision or application, and for this purpose the provisions of this Act are
22 declared severable.

23 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2009, contingent on the Election Financing Commission's receipt of a
25 determination from the State Comptroller in accordance with Section 6 of this Act that
26 new revenue measures that cumulatively equal or exceed \$1,000,000,000 in annual
27 revenue increases for the State have been enacted since the conclusion of the 2008
28 Session of the General Assembly and not later than the 2009 Session of the General
29 Assembly. If a determination by the State Comptroller is received after July 1, 2009
30 that new revenue measures that cumulatively equal or exceed \$1,000,000,000 in
31 annual revenue increases for the State have been enacted since the conclusion of the
32 2008 Session of the General Assembly and not later than the 2009 Session of the
33 General Assembly, this Act shall take effect 30 days after the Commission receives the
34 determination. If a determination is received by the Commission from the State
35 Comptroller that new revenue measures have not been enacted that cumulatively
36 equal or exceed \$1,000,000,000 in annual revenue increases for the State since the
37 conclusion of the 2008 Session of the General Assembly and not later than the 2009
38 Session of the General Assembly, this Act shall be null and void without the necessity
39 of further action by the General Assembly. The Commission, within 5 days after
40 receiving the determination of the State Comptroller, shall forward a copy of the
41 determination to the Department of Legislative Services, 90 State Circle, Annapolis,
42 Maryland 21401.