

HOUSE BILL 1353

G1, P5
HB 971/08 – W&M

9lr0483

By: **Delegate Cardin**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

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 Fund for
11 certain purposes; specifying certain procedures, requirements, and conditions
12 participating candidates must meet to receive a distribution from the Fund;
13 establishing certain public contribution amounts participating candidates shall
14 receive; requiring that participating candidates adhere to certain campaign
15 expenditure limits, subject to certain exceptions; requiring the Comptroller to
16 perform certain duties in connection with the establishment, maintenance, and
17 administration of the Fund; regulating contributions and expenditures made by
18 political parties on behalf of participating candidates; regulating coordinated
19 expenditures made by or on behalf of participating candidates; specifying
20 certain additional campaign finance reporting requirements for certain
21 candidates and political organizations; authorizing a citizen to bring civil action
22 in court against certain candidates under certain circumstances; providing for
23 judicial review of certain actions by the Commission; providing for certain
24 penalties; specifying the terms of the initial members of the Commission;
25 providing that certain catchlines are not law and may not be considered to have
26 been enacted as part of this Act; requiring the Commission to adopt certain
27 regulations; making provisions of this Act severable; requiring the Commission
28 to report to the General Assembly on or before a certain date; and generally
29 relating to the Public Campaign Financing Act for Candidates for the General
30 Assembly.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 17–317
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–235(d)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Election Law
Section 15.5–101 through 15.5–121 to be under the new title “Title 15.5. Public
Campaign Financing Act for Candidates for the General Assembly”
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Article – Commercial Law

17–317.

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

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

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

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

(3) (i) Subject to subparagraph (ii) of this paragraph, the
Administrator shall distribute all unclaimed money from judgments of restitution
under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of

Crime Fund established under § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims’ rights as provided by law.

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

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

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

Article – Election Law

13–235.

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

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

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

15.5–101. DEFINITIONS.

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

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

1 (C) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE
2 TREASURY.

3 (D) "ELECTIONEERING COMMUNICATIONS" MEANS CAMPAIGN
4 MATERIAL THAT INCLUDES THE NAME OF A CANDIDATE BUT THAT DOES NOT
5 EXPRESSLY ADVOCATE A VOTE FOR OR AGAINST THE CANDIDATE.

6 (E) (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; AND

10 (II) WITH A CUMULATIVE VALUE OF AT LEAST \$250.

11 (2) "EXPRESS ADVOCACY INDEPENDENT EXPENDITURE" DOES
12 NOT INCLUDE AN EXPENDITURE FOR AN ELECTIONEERING MESSAGE
13 DISTRIBUTED BY AN ORGANIZATION TO ITS OWN MEMBERS ALONE.

14 (F) "FUND" MEANS THE PUBLIC ELECTION FUND.

15 (G) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE WHO
16 QUALIFIES TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR
17 ELECTION AS A MEMBER OF THE GENERAL ASSEMBLY.

18 (H) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE
19 FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS
20 OF THIS TITLE.

21 (I) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION:

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

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

26 (J) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE
27 PRIVATE CONTRIBUTIONS THAT:

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

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

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

15.5-102. COMMISSION – IN GENERAL.

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

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

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

(C) EACH MEMBER OF THE COMMISSION:

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

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

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

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

(5) MAY NOT BE:

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

(II) EMPLOYED BY A REGULATED LOBBYIST;

(III) A MEMBER OF THE GENERAL ASSEMBLY;

(IV) AN OFFICER OF A POLITICAL PARTY; OR

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

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

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

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

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

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

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

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

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

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

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

(1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

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

15.5-103. SAME – DUTIES.

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

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

4 (1) DEVELOP AND ADOPT REGULATIONS THAT:

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

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

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

13 (I) CONTRIBUTIONS TO AND EXPENDITURES BY
14 PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED
15 CAMPAIGN FINANCE ENTITIES; AND

16 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
17 DISBURSED TO PARTICIPATING CANDIDATES;

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

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

25 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON
26 PARTICIPATING CANDIDATES;

27 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

28 (III) A DETAILED SUMMARY REGARDING SEED MONEY,
29 QUALIFYING CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED
30 BY PARTICIPATING CANDIDATES;

31 (IV) EXPENDITURES MADE BY PARTICIPATING AND
32 NONPARTICIPATING CANDIDATES; AND

1 (V) ANY OTHER INFORMATION THE COMMISSION
2 DETERMINES TO BE APPROPRIATE;

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

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

8 **15.5-104. SAME. DISCRETIONARY POWERS.**

9 **THE COMMISSION MAY:**

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

12 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF
13 ITS FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF
14 THIS TITLE;

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

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

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

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

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

26 (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH
27 THIS TITLE;

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

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

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

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

6 **(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**
7 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**
8 **VIOLATION;**

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

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

13 **15.5-105. THE FUND.**

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

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

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

18 **(I) PROVIDE PUBLIC FINANCING FOR THE ELECTION**
19 **CAMPAIGNS OF CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY**
20 **ELECTION OR GENERAL ELECTION AS CERTIFIED BY THE COMMISSION UNDER**
21 **THIS TITLE; AND**

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

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

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

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

29 **(B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT**
30 **ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER**

1 SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECK-OFF SYSTEM THAT
2 ALLOWS THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN
3 FORM THAT \$5 OF THE TAXPAYER'S STATE TAX LIABILITY BE DIRECTED TO THE
4 PUBLIC ELECTION FUND.

5 (2) FOR MARRIED INDIVIDUALS FILING JOINTLY, ONE
6 CHECK-OFF DIRECTING \$5 TO THE PUBLIC ELECTION FUND SHALL BE
7 PROVIDED ON THE TAX FORM.

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

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

15 (1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES
16 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS
17 TITLE;

18 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES
19 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS
20 TITLE;

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

24 (4) UNSPENT MONEY THAT:

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

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

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

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

1 (7) **INTEREST GENERATED BY THE FUND;**

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

5 (9) **ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE**
6 **GENERAL ASSEMBLY.**

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

10 (2) **IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY**
11 **JANUARY 1, 2010, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE**
12 **GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL YEAR 2011 BUDGET**
13 **THAT, WHEN COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT**
14 **TO CARRY OUT THIS TITLE.**

15 **15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL**
16 **ASSEMBLY – ALLOWABLE CONTRIBUTIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

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

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

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

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

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; AND

6 (III) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS
7 SET UNDER REGULATIONS ADOPTED BY THE COMMISSION.

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

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

14 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

15 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

22 (I) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE
23 PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

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

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

29 (E) QUALIFYING CONTRIBUTIONS SHALL COUNT TOWARDS SATISFYING
30 THE FUND-RAISING REQUIREMENT UNDER THIS SECTION.

1 15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

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

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

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

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

17 (C) A PARTICIPATING CANDIDATE MAY:

18 (1) MAINTAIN A PETTY CASH FUND IN ACCORDANCE WITH §
19 13-220(C) OF THIS ARTICLE; AND

20 (2) MAKE A CAMPAIGN EXPENDITURE FROM PARTY
21 CONTRIBUTIONS OR SEED MONEY.

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

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

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

31 15.5-110. PUBLIC CONTRIBUTIONS AND EXPENDITURE LIMITS FOR
32 PARTICIPATING CANDIDATES TO THE GENERAL ASSEMBLY.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND:

(1) SHALL RECEIVE THE AMOUNTS SPECIFIED FOR THE PRIMARY AND GENERAL ELECTIONS IN THIS SUBSECTION AS A PUBLIC CONTRIBUTION; AND

(2) MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED FOR THE PRIMARY AND GENERAL ELECTIONS IN THIS SUBSECTION.

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

(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES:

(1) SHALL RECEIVE THE AMOUNTS SPECIFIED FOR THE PRIMARY AND GENERAL ELECTIONS IN THIS SUBSECTION AS A PUBLIC CONTRIBUTION; AND

(2) MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED FOR THE PRIMARY AND GENERAL ELECTIONS IN THIS SUBSECTION.

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

(C) IN ADDITION TO THE AMOUNT SPECIFIED UNDER SUBSECTION (A) OR (B) OF THIS SECTION, A PARTICIPATING CANDIDATE MAY RECEIVE A DISTRIBUTION FROM THE FUND FOR NOT MORE THAN ONE-HALF OF THE EXPENDITURES INCURRED BY THE PARTICIPATING CANDIDATE FOR

1 ELECTIONEERING COMMUNICATIONS WITHIN THE 60 DAYS IMMEDIATELY
2 PRECEDING THE ELECTION.

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

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

8 (II) AN UNCONTESTED PRIMARY ELECTION.

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

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

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

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

28 15.5-111. PARTICIPATING CANDIDATES - SUPPLEMENTAL PUBLIC
29 DISTRIBUTIONS AUTHORIZED.

30 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
31 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF
32 MATCHING FUNDS FROM THE FUND IF:

1 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
2 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
3 ELECTION; AND

4 (2) THE NONPARTICIPATING CANDIDATE RECEIVES
5 CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE PUBLIC
6 CONTRIBUTION ESTABLISHED FOR THE PARTICIPATING CANDIDATE.

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

12 **15.5-112. PARTICIPATING CANDIDATES – ELIGIBILITY REQUIREMENTS FOR**
13 **DISBURSEMENTS FROM THE FUND.**

14 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING
15 CANDIDATE AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL
16 SUBMIT TO THE COMMISSION:

17 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE
18 COMMISSION’S REGULATIONS AND POLICIES;

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

22 (3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING
23 CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING
24 PERIOD;

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

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

29 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
30 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL
31 RECEIVE THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE
32 FOR THAT LEGISLATIVE OFFICE.

33 **15.5-113. DISBURSEMENTS BY THE COMPTROLLER.**

1 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION
2 SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE
3 FUND TO EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
4 ASSEMBLY WHO HAS BEEN CERTIFIED BY THE COMMISSION TO RECEIVE A
5 PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

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

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

13 (4) WITHIN 15 DAYS AFTER THE PRIMARY 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 PRIMARY ELECTION.

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

23 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A
24 PARTICIPATING CANDIDATE SHALL RETURN TO THE COMMISSION ANY PART OF
25 THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
26 GENERAL ELECTION.

27 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION OR A
28 POLITICAL PARTY UNDER § 5-703.1 OF THIS ARTICLE FOR ELECTION TO THE
29 GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM
30 THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE
31 ELECTION, IF:

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

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

1 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN
2 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE
3 NO LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE
4 DISBURSEMENT BE MADE.

5 **15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

6 (A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE
7 GENERAL ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL
8 CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS
9 FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING
10 CANDIDATE DOES NOT EXCEED 2.5% OF THE EXPENDITURE LIMIT FOR THAT
11 OFFICE.

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

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

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

21 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL
22 PARTY;

23 (2) A POLITICAL PARTY CONVENTION;

24 (3) NOMINATING AND ENDORSING CANDIDATES;

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

27 (5) PARTY PLATFORM ACTIVITIES;

28 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
29 CANDIDATE-SPECIFIC;

30 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
31 CANDIDATE-SPECIFIC;

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

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

5 **15.5-115. COORDINATED EXPENDITURES.**

6 (A) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE
7 COMMISSION EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF
8 MORE THAN \$250 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.

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

15 (C) IN ACCORDANCE WITH THE REGULATIONS OR GUIDELINES
16 ADOPTED BY THE COMMISSION, THE COMMISSION MAY MAKE A
17 DETERMINATION WHETHER A COORDINATED EXPENDITURE HAS BEEN MADE BY
18 A PARTICIPATING CANDIDATE OR A NONPARTICIPATING CANDIDATE.

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

27 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE
28 OPPOSING PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL
29 THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE
30 EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE,
31 BUT MAY NOT EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.

32 (E) (1) AN EXPENDITURE MADE BY OR ON BEHALF OF A SLATE THAT
33 INCLUDES A PARTICIPATING CANDIDATE:

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

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

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

9 **15.5-116. ADDITIONAL CANDIDATE REPORTING REQUIREMENTS.**

10 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN
11 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A
12 PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL
13 FILE CAMPAIGN FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY
14 1 OF THE YEAR OF THE ELECTION TO DISCLOSE:

15 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND
16 EXPENDITURES MADE; AND

17 (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE
18 CANDIDATE.

19 (B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES
20 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING
21 CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE
22 THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE
23 CANDIDATE'S EXPENDITURES BI-WEEKLY THROUGH AND INCLUDING THE WEEK
24 AFTER THE ELECTION.

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

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

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

15.5-117. ADDITIONAL INDEPENDENT REPORTING REQUIREMENTS.

(A) FOR THE PURPOSES OF THIS SECTION:

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

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

(B) ANY EXPRESS ADVOCACY INDEPENDENT EXPENDITURE MADE IN THE STATE SHALL BE REPORTED TO THE COMMISSION WITHIN 24 HOURS OF RELEASE TO THE GENERAL PUBLIC.

(C) THE COMMISSION SHALL DEVELOP AN INTERNET SITE WHERE EXPRESS ADVOCACY INDEPENDENT EXPENDITURES SHALL BE REPORTED.

(D) THE REPORT SHALL INCLUDE:

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

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

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

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

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

1 (F) THE WEBSITE DEVELOPED BY THE COMMISSION SHALL BE
2 ACCESSIBLE AND USABLE BY A STANDARD INTERNET BROWSER ALONE.

3 (G) (1) ON RECEIPT OF AN EXPRESS ADVOCACY INDEPENDENT
4 EXPENDITURE REPORT, THE COMMISSION SHALL ADD THE AMOUNT OF THE
5 EXPENDITURE TO THE SUM OF THE EXPENDITURES OF:

6 (I) THE PRINCIPAL OPPONENT OF THE PARTICIPATING
7 CANDIDATE;

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

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

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

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

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

26 **15.5-118. CITIZEN ACTIONS.**

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

30 (1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT WITH THE
31 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**
29 **AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT**
30 **FOR NOT MORE THAN 2 YEARS OR BOTH.**

31 **(2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING**
32 **CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT**
33 **THE AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN**

1 4% OF THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE
2 VIOLATION CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN
3 THE ELECTION, THE COMMISSION MAY RECOMMEND TO THE GENERAL
4 ASSEMBLY THAT THE RESULTS OF THE ELECTION BE NULLIFIED AND THE
5 OFFICE DECLARED VACANT.

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

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

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

17 15.5-121. SHORT TITLE.

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

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

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

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

29 (3) The effectiveness of the regulations, guidelines, and policies
30 established by the Election Financing Commission governing the disclosure and
31 reporting of contributions and expenditures by participating candidates and
32 nonparticipating candidates in accordance with this Act.

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

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

3 (2) One of the members appointed from the majority party and one of
4 the members appointed from the principal minority party in 2010; and

5 (3) The first elected member in 2012.

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

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

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

21 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2009.