

# SENATE BILL 663

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SB 593/08 – EHE

9lr2624

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By: **Senator Pinsky**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Public Campaign Financing Act for Candidates for the**  
3 **General Assembly**

4 FOR the purpose of establishing a system of public financing of campaigns for certain  
5 candidates for the General Assembly; establishing an Election Financing  
6 Commission to administer the system of public financing of campaigns;  
7 providing for the membership of the Commission and specifying its powers and  
8 duties; creating the Public Election Fund and providing for the inclusion of  
9 certain money in the Fund; defining certain terms; requiring the Comptroller to  
10 distribute certain proceeds from the sale of abandoned property to the Public  
11 Election Fund for certain purposes; specifying certain procedures, requirements,  
12 and conditions participating candidates must meet to receive a distribution  
13 from the Fund; requiring that participating candidates adhere to certain  
14 campaign expenditure limits, subject to certain exceptions; requiring the  
15 Comptroller to perform certain duties in connection with the establishment,  
16 maintenance, and administration of the Fund; regulating contributions and  
17 expenditures made by political parties on behalf of participating candidates;  
18 regulating coordinated expenditures made by or on behalf of participating  
19 candidates; specifying certain additional campaign finance reporting  
20 requirements for certain candidates and political organizations; authorizing a  
21 citizen to bring civil action in court against certain candidates under certain  
22 circumstances; providing for judicial review of certain actions by the  
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 adopt certain regulations; making provisions of this Act  
27 severable; requiring the Election Financing Commission to report to the  
28 Governor and 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.

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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 \$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**

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

5   **15.5-102. COMMISSION – IN GENERAL.**

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

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

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

13           (C)    EACH MEMBER OF THE COMMISSION:

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

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

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

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

24                   (5)    MAY NOT BE:

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

28                           (II)   EMPLOYED BY A REGULATED LOBBYIST;

29                           (III)   A MEMBER OF THE GENERAL ASSEMBLY;

30                           (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 FULL 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, BEGINNING ON JANUARY 1, 2010, PUBLIC**  
19 **FINANCING FOR THE ELECTION CAMPAIGNS OF CERTIFIED PARTICIPATING**  
20 **CANDIDATES IN A PRIMARY ELECTION OR GENERAL ELECTION AS CERTIFIED BY**  
21 **THE COMMISSION UNDER 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 FILING A PERSONAL STATE INCOME**  
30 **TAX RETURN, OTHER THAN A NONRESIDENT ALIEN, THE COMPTROLLER SHALL**

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

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

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

12 (1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES  
13 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS  
14 TITLE;

15 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES  
16 WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS  
17 TITLE;

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

21 (4) UNSPENT MONEY THAT:

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

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

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

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

30 (7) INTEREST GENERATED BY THE FUND;

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

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

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

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

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

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

19           (1) SEED MONEY OF NO MORE THAN:

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

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

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

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

31           (B) A PARTICIPATING CANDIDATE MAY RETAIN ANY PRIVATE  
32 CONTRIBUTIONS, BUT MAY NOT SPEND PRIVATE MONEY DURING THE PRIMARY  
33 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;**

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

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

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

3                   (3)   A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS SET  
4   UNDER REGULATIONS ADOPTED BY THE COMMISSION.

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

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

11                   (1)   THE PRINTED NAME OF THE CONTRIBUTOR;

12                   (2)   THE ADDRESS OF THE CONTRIBUTOR; AND

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

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

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

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

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

26           (E)   QUALIFYING CONTRIBUTIONS SHALL COUNT TOWARDS SATISFYING  
27   THE FUNDRAISING REQUIREMENT UNDER THIS SECTION.

28   15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

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

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

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

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

16           (C) A PARTICIPATING CANDIDATE MAY:

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

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

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

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

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

30 15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE  
31 GENERAL ASSEMBLY.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMIT SPECIFIED 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 MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED 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 ELECTIONEERING COMMUNICATIONS WITHIN THE 60 DAYS IMMEDIATELY PRECEDING THE ELECTION.

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

(I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR

(II) AN UNCONTESTED PRIMARY ELECTION.

(2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE

1 APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT  
2 CANDIDATE UNDER THIS SECTION SO THAT:

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

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

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

18 15.5-111. PARTICIPATING CANDIDATES - SUPPLEMENTAL PUBLIC  
19 DISTRIBUTIONS AUTHORIZED.

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

23 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A  
24 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL  
25 ELECTION; AND

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

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

34 15.5-112. PARTICIPATING CANDIDATES - ELIGIBILITY REQUIREMENTS FOR  
35 DISBURSEMENTS FROM THE FUND.



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

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

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

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

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

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

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

20 **15.5-113. DISBURSEMENTS BY THE COMPTROLLER.**

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

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

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

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

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

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

15           (c)   **A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR**  
16 **ELECTION TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC**  
17 **CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF**  
18 **THE YEAR OF THE ELECTION IF:**

19           (1)   **THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE**  
20 **STATE BOARD; AND**

21           (2)   **THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY**  
22 **ELECTION.**

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

27 **15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

28           (a)   (1)   **IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS FROM**  
29 **ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING**  
30 **CANDIDATE DOES NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR**  
31 **THAT OFFICE, A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL**  
32 **ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL**  
33 **COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS FROM ALL**  
34 **POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING CANDIDATE**  
35 **DOES NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR 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 BIWEEKLY 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  
13 IMMEDIATELY SHALL RELEASE A SUPPLEMENTAL CONTRIBUTION FROM THE  
14 FUND TO THE PARTICIPATING CANDIDATE, SUBJECT TO THE LIMITATION IN  
15 PARAGRAPH (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 FIRST FILES 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 full 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, 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 2015;

32           (2) One of the members appointed from the majority party and one of  
33 the members appointed from the principal minority party in 2013; and

1                   (3)     The first elected member in 2014.

2                   SECTION 4. AND BE IT FURTHER ENACTED, That the catchline contained  
3 in 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 if any provision of this  
12 Act or the application thereof to any person or circumstance is held invalid for any  
13 reason in a court of competent jurisdiction, the invalidity does not affect other  
14 provisions or any other application of this Act which can be given effect without the  
15 invalid provision or application, and for this purpose the provisions of this Act are  
16 declared severable.

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