

HOUSE BILL 1269

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By: **Delegates Luedtke, Anderson, Barkley, Barnes, Bobo, Cardin, Carr, Clippinger, Cullison, Fraser-Hidalgo, Gutierrez, Guzzone, Healey, Hixson, Ivey, Kaiser, A. Kelly, Lafferty, A. Miller, Mitchell, Mizeur, Pendergrass, Reznik, S. Robinson, Rosenberg, Stein, Summers, F. Turner, Waldstreicher, M. Washington, and Zucker**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Small Donor Incentive Act**

3 FOR the purpose of establishing a system of public financing of campaigns for certain
4 candidates for State office; establishing the Public Financing Administration
5 Board and providing for the composition, terms, chair, and other matters
6 concerning the Board; establishing the powers and duties of the Board;
7 establishing a Public Campaign Financing Fund; providing for the contents and
8 administration of the Fund; requiring a candidate who seeks to qualify for
9 public financing to file a certain notice, establish a certain campaign account,
10 collect certain qualifying contributions, and submit certain information to the
11 Board; establishing certain procedures governing a determination by the Board
12 as to whether a candidate qualifies for public financing; establishing certain
13 requirements and procedures concerning a participating candidate's publicly
14 funded campaign account; prohibiting a participating candidate from being a
15 member of a slate; establishing certain expenditure limits for participating
16 candidates; authorizing the Board to alter certain expenditure limits by
17 regulation after a certain date; authorizing a participating candidate to choose
18 an alternative apportionment of the expenditure limits established for the
19 candidate; requiring that certain eligible contributions be matched in a certain
20 manner with money from the Fund; establishing certain limits on the total
21 amount of matching funds a candidate may receive; authorizing the Board to
22 alter certain matching funds limits by regulation after a certain date;
23 authorizing a participating candidate to choose an alternative apportionment of
24 the matching funds limits established for the candidate; prohibiting a candidate
25 whose election is uncontested from receiving matching funds; requiring the
26 Board to authorize the disbursement of matching funds at certain times;
27 requiring that matching funds be used only for certain elections; requiring a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 participating candidate to return to the Fund matching funds not expended on
2 certain elections; authorizing a candidate nominated by petition to receive
3 matching funds under certain circumstances; requiring a candidate who opts
4 out of public financing to take certain actions and pay a certain penalty;
5 providing that this Act may not be construed to prohibit a political party from
6 using its funds for certain expenses; providing for judicial review of actions of
7 the Board; prohibiting certain conduct and establishing certain civil and
8 criminal penalties for certain violations; exempting the Fund from a certain law
9 requiring that the investment earnings of the Fund accrue to the General Fund;
10 establishing a checkoff on the individual income tax return for contributions to
11 the Fund; requiring the Comptroller to transfer funds in the Fair Campaign
12 Financing Fund as of a certain date to the Fund; altering a certain exception to
13 the prohibition on campaign fund-raising by certain officials during the General
14 Assembly session; repealing the public financing act for gubernatorial tickets;
15 defining certain terms; providing that certain captions included in this Act are
16 not law; making the provisions of this Act severable; providing for a delayed
17 effective date; and generally relating to public financing of elections.

18 BY repealing

19 Article – Election Law
20 Section 15–101 through 15–111 and the title “Title 15. Public Financing Act”
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2013 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Election Law
25 Section 13–235
26 Annotated Code of Maryland
27 (2010 Replacement Volume and 2013 Supplement)

28 BY adding to

29 Article – Election Law
30 Section 15–101 through 15–117 to be under the new title “Title 15. Maryland
31 Small Donor Incentive Act”
32 Annotated Code of Maryland
33 (2010 Replacement Volume and 2013 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article – State Finance and Procurement
36 Section 6–226(a)(2)(ii)76. and 77.
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2013 Supplement)

39 BY adding to

40 Article – State Finance and Procurement
41 Section 6–226(a)(2)(ii)78.
42 Annotated Code of Maryland

1 (2009 Replacement Volume and 2013 Supplement)

2 BY adding to

3 Article – Tax – General

4 Section 2–114

5 Annotated Code of Maryland

6 (2010 Replacement Volume and 2013 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 15–101 through 15–111 and the title “Title 15. Public
9 Financing Act” of Article – Election Law of the Annotated Code of Maryland be
10 repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article – Election Law**

14 13–235.

15 (a) This section applies to the following officials:

16 (1) the Governor;

17 (2) the Lieutenant Governor;

18 (3) the Attorney General;

19 (4) the Comptroller; and

20 (5) a member of the General Assembly.

21 (b) Except as provided in subsection (c), (d), or (e) of this section, during a
22 regular session of the General Assembly an official described in subsection (a) of this
23 section, or a person acting on behalf of the official, may not, as to a candidate for
24 federal, State, or local office, or a campaign finance entity of the candidate or any
25 other campaign finance entity organized under this title and operated in coordination
26 with a candidate:

27 (1) receive a contribution;

28 (2) conduct a fund–raising event;

29 (3) solicit or sell a ticket to a fund–raising event; or

30 (4) deposit or use any contribution of money that was not deposited
31 prior to the session.

1 (c) An official described in subsection (a) of this section, or a person acting on
2 behalf of the official, is not subject to this section when engaged in activities solely
3 related to the official's election to an elective federal or local office for which the official
4 is a filed candidate.

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

8 **(D) UNDER THE MARYLAND SMALL DONOR INCENTIVE ACT, A**
9 **PARTICIPATING CANDIDATE, DURING THE YEAR OF THE ELECTION ONLY, MAY**
10 **ACCEPT QUALIFYING CONTRIBUTIONS, ELIGIBLE CONTRIBUTIONS, AND ANY**
11 **MATCHING FUNDS DISBURSED BY THE PUBLIC FINANCING ADMINISTRATION**
12 **BOARD THAT ARE BASED ON THE ELIGIBLE CONTRIBUTIONS.**

13 (e) An official described in subsection (a) of this section, or a person acting on
14 behalf of the official, may deposit a contribution during the legislative session if the
15 contribution was made electronically before the start of the session.

16 (f) (1) As to a violation of this section, the campaign finance entity of the
17 official in violation is liable for a civil penalty as provided in this subsection.

18 (2) The State Board, represented by the State Prosecutor, may
19 institute a civil action in the circuit court for any county seeking the civil penalty
20 provided in this subsection.

21 (3) A campaign finance entity that receives a contribution as a result
22 of the violation shall:

23 (i) refund the contribution to the contributor; and

24 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
25 amount of the contribution.

26 **TITLE 15. MARYLAND SMALL DONOR INCENTIVE ACT.**

27 **15-101. DEFINITIONS.**

28 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 **(B) "BOARD" MEANS THE PUBLIC FINANCING ADMINISTRATION**
31 **BOARD.**

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

3 (D) “CONSTITUENCY” MEANS:

4 (1) FOR A CANDIDATE FOR GOVERNOR, ATTORNEY GENERAL, OR
5 COMPTROLLER, THE ENTIRE STATE; OR

6 (2) FOR A CANDIDATE FOR THE GENERAL ASSEMBLY, THE
7 DISTRICT THE CANDIDATE SEEKS TO REPRESENT.

8 (E) (1) “ELIGIBLE CONTRIBUTION” MEANS A CONTRIBUTION OR
9 SERIES OF CONTRIBUTIONS FROM A SINGLE INDIVIDUAL RESIDING IN THE
10 CONSTITUENCY A CANDIDATE SEEKS TO REPRESENT.

11 (2) “ELIGIBLE CONTRIBUTION” DOES NOT INCLUDE A
12 CONTRIBUTION FROM ANY OF THE FOLLOWING:

13 (I) A BUSINESS ENTITY;

14 (II) A POLITICAL PARTY;

15 (III) A REGULATED LOBBYIST;

16 (IV) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;

17 (V) A POLITICAL ACTION COMMITTEE; OR

18 (VI) ANY OTHER POLITICAL COMMITTEE.

19 (F) “FUND” MEANS THE PUBLIC CAMPAIGN FINANCING FUND
20 ESTABLISHED UNDER § 15-104 OF THIS TITLE.

21 (G) “GUBERNATORIAL TICKET” MEANS A CANDIDATE FOR GOVERNOR
22 AND A CANDIDATE FOR LIEUTENANT GOVERNOR WHO RUN TOGETHER AS A
23 UNIT.

24 (H) “MATCHING FUNDS” MEANS MONEY DISBURSED FROM THE FUND
25 TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF
26 THIS TITLE.

1 **(I) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE WHO IS**
2 **DETERMINED BY THE BOARD TO BE ELIGIBLE TO RECEIVE MATCHING FUNDS**
3 **UNDER THIS TITLE.**

4 **(J) (1) “QUALIFYING CONTRIBUTION” MEANS THAT PART OF A**
5 **CONTRIBUTION OR SERIES OF CONTRIBUTIONS FROM A SINGLE INDIVIDUAL**
6 **RESIDING IN A CANDIDATE’S CONSTITUENCY THAT DOES NOT EXCEED \$250.**

7 **(2) “QUALIFYING CONTRIBUTION” DOES NOT INCLUDE A**
8 **CONTRIBUTION FROM ANY OF THE FOLLOWING:**

9 **(I) A BUSINESS ENTITY;**

10 **(II) A POLITICAL PARTY;**

11 **(III) A REGULATED LOBBYIST;**

12 **(IV) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**

13 **(V) A POLITICAL ACTION COMMITTEE; OR**

14 **(VI) ANY OTHER POLITICAL COMMITTEE.**

15 **15-102. PUBLIC FINANCING ADMINISTRATION BOARD.**

16 **(A) THERE IS A PUBLIC FINANCING ADMINISTRATION BOARD.**

17 **(B) THE BOARD CONSISTS OF:**

18 **(1) THREE MEMBERS APPOINTED BY THE GOVERNOR;**

19 **(2) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE**
20 **OF DELEGATES; AND**

21 **(3) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE**
22 **SENATE OF MARYLAND.**

23 **(C) A BOARD MEMBER MAY NOT HOLD ANY STATE OR LOCAL ELECTED**
24 **OFFICE.**

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

1 **(2) A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS**
2 **APPOINTED AND QUALIFIES.**

3 **(3) A VACANCY ON THE BOARD SHALL BE FILLED IN THE SAME**
4 **MANNER AS THE ORIGINAL APPOINTMENT BUT FOR THE UNEXPIRED TERM**
5 **ONLY.**

6 **(4) A MEMBER MAY SERVE NO MORE THAN TWO TERMS, NOT**
7 **INCLUDING ANY PARTIAL TERM.**

8 **(E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL**
9 **TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**
10 **CONSTITUTION.**

11 **(F) (1) THE GOVERNOR SHALL APPOINT ONE MEMBER TO SERVE AS**
12 **CHAIR OF THE BOARD.**

13 **(2) THE CHAIR SHALL SERVE A TERM OF 2 YEARS AND UNTIL THE**
14 **GOVERNOR DESIGNATES A SUCCESSOR.**

15 **(3) A MEMBER MAY SERVE NO MORE THAN TWO TERMS AS CHAIR,**
16 **NOT INCLUDING ANY PARTIAL TERM.**

17 **(G) A MEMBER MAY BE REMOVED FROM OFFICE BY THE GOVERNOR**
18 **FOR CAUSE.**

19 **(H) A MEMBER OF THE BOARD:**

20 **(1) IS NOT ENTITLED TO COMPENSATION; BUT**

21 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN**
22 **ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS, AS**
23 **PROVIDED IN THE STATE BUDGET.**

24 **15-103. POWERS AND DUTIES OF THE BOARD.**

25 **(A) THE BOARD SHALL:**

26 **(1) MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC FINANCING**
27 **OF ELECTIONS ESTABLISHED UNDER THIS TITLE;**

28 **(2) ADOPT REGULATIONS AS NECESSARY TO EFFECT THE**
29 **PURPOSES OF THIS TITLE;**

1 **(3) ENSURE THAT THE SYSTEM OF PUBLIC FINANCING OF**
2 **ELECTIONS:**

3 **(I) ACCOMMODATES QUALIFYING CANDIDATES ON A**
4 **FIRST-COME, FIRST-SERVED BASIS;**

5 **(II) ESTABLISHES AN INITIAL LIMIT ON THE NUMBER OF**
6 **PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND**

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

10 **(4) 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 THEIR AUTHORIZED CAMPAIGN FINANCE**
15 **ENTITIES; AND**

16 **(II) MATCHING FUNDS FROM THE FUND THAT ARE**
17 **DISBURSED TO PARTICIPATING CANDIDATES;**

18 **(5) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY**
19 **TO ENSURE COMPLIANCE WITH THIS TITLE;**

20 **(6) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES**
21 **INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM**
22 **CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS**
23 **TITLE; AND**

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

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

29 **(II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;**

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

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

6 (V) ANY OTHER INFORMATION THE BOARD DETERMINES TO
7 BE APPROPRIATE.

8 **(B) THE BOARD MAY:**

9 (1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO
10 PERFORM THE FUNCTIONS OF THE BOARD UNDER THIS TITLE;

11 (2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;

12 (3) PUBLICIZE THE NAMES OF CANDIDATES WHO VIOLATE THIS
13 TITLE;

14 (4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN
15 FINANCE ENTITY, OR A MEMBER OF THE PUBLIC, RENDER A WRITTEN PUBLIC
16 ADVISORY OPINION REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

17 (5) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES
18 TO ENSURE COMPLIANCE WITH THIS TITLE;

19 (6) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN
20 FINANCE ENTITY SUBJECT TO THIS ARTICLE;

21 (7) IMPOSE FINES AND PENALTIES FOR VIOLATIONS OF THIS
22 TITLE AS SPECIFICALLY PROVIDED IN THIS TITLE;

23 (8) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR
24 CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

25 (9) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

26 (1) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A
27 VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

1 **(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**
2 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**
3 **VIOLATION;**

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

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

8 **15-104. PUBLIC CAMPAIGN FINANCING FUND.**

9 **(A) THERE IS A PUBLIC CAMPAIGN FINANCING FUND.**

10 **(B) THE PURPOSE OF THE FUND IS TO PROVIDE PUBLIC CAMPAIGN**
11 **FINANCING FOR QUALIFYING CANDIDATES UNDER THIS TITLE.**

12 **(C) THE COMPTROLLER SHALL ADMINISTER THE FUND.**

13 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
14 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

15 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
16 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

17 **(E) THE FUND CONSISTS OF:**

18 **(1) FUNDS REMAINING IN THE FORMER FAIR CAMPAIGN**
19 **FINANCING FUND AS OF DECEMBER 31, 2014;**

20 **(2) ANY MONEY PROVIDED IN THE ANNUAL STATE BUDGET FOR**
21 **THE PURPOSES OF THIS TITLE;**

22 **(3) CONTRIBUTIONS TO THE FUND MADE THROUGH THE**
23 **CHECKOFF ON THE INDIVIDUAL INCOME TAX RETURN ESTABLISHED UNDER §**
24 **2-114 OF THE TAX - GENERAL ARTICLE;**

25 **(4) VOLUNTARY CONTRIBUTIONS MADE DIRECTLY TO THE FUND**
26 **FROM ANY SOURCE;**

27 **(5) FINES AND PENALTIES THAT THE BOARD IMPOSES UNDER**
28 **THIS TITLE;**

1 **(6) INVESTMENT EARNINGS OF THE FUND; AND**

2 **(7) UNSPENT MATCHING FUNDS THAT ARE:**

3 **(I) DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO**
4 **DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION**
5 **FOR WHICH THE MONEY WAS DISBURSED;**

6 **(II) DISTRIBUTED TO A CANDIDATE WHO OPTS OUT OF**
7 **PUBLIC FINANCING UNDER THIS TITLE; OR**

8 **(III) RETAINED BY A PARTICIPATING CANDIDATE AFTER THE**
9 **PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED.**

10 **(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
11 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

12 **(2) INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED**
13 **TO THE FUND.**

14 **(G) THE COMPTROLLER SHALL:**

15 **(1) DISBURSE MONEY IN THE FUND ONLY WHEN AUTHORIZED BY**
16 **THE BOARD IN ACCORDANCE WITH THIS TITLE; AND**

17 **(2) SUBMIT A STATEMENT OF THE FUND'S BALANCE TO THE**
18 **BOARD AT THE BOARD'S REQUEST AND ON MARCH 1 OF EACH YEAR.**

19 **15-105. INTENT TO QUALIFY FOR PUBLIC FINANCING.**

20 **A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER**
21 **THIS TITLE SHALL:**

22 **(1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE BOARD**
23 **NO LATER THAN FEBRUARY 15 OF THE YEAR OF THE ELECTION; AND**

24 **(2) BEFORE RAISING ANY CONTRIBUTION GOVERNED BY THIS**
25 **TITLE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE PURPOSE**
26 **OF RECEIVING CONTRIBUTIONS AND MAKING EXPENDITURES IN ACCORDANCE**
27 **WITH THE REQUIREMENTS OF THIS ARTICLE.**

28 **15-106. QUALIFYING CONTRIBUTIONS.**

1 **(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE**
2 **FOR MATCHING FUNDS FROM THE FUND:**

3 **(1) A GUBERNATORIAL TICKET SHALL COLLECT A TOTAL OF AT**
4 **LEAST \$250,000 OF QUALIFYING CONTRIBUTIONS FROM AT LEAST 1,000**
5 **INDIVIDUALS;**

6 **(2) A CANDIDATE FOR ELECTION AS ATTORNEY GENERAL OR**
7 **COMPTROLLER SHALL COLLECT A TOTAL OF AT LEAST \$150,000 OF**
8 **QUALIFYING CONTRIBUTIONS FROM AT LEAST 600 INDIVIDUALS;**

9 **(3) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND**
10 **SHALL COLLECT AT LEAST \$25,000 OF QUALIFYING CONTRIBUTIONS FROM AT**
11 **LEAST 100 INDIVIDUALS; OR**

12 **(4) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES**
13 **SHALL COLLECT AT LEAST \$15,000 OF QUALIFYING CONTRIBUTIONS FROM AT**
14 **LEAST 60 INDIVIDUALS.**

15 **(B) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING**
16 **CANDIDATE SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN**
17 **THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.**

18 **(C) FOR EACH QUALIFYING CONTRIBUTION A CANDIDATE RECEIVES,**
19 **THE CANDIDATE SHALL RETAIN A RECEIPT THAT INCLUDES:**

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

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

22 **(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS**
23 **THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION**
24 **AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR**
25 **REIMBURSEMENT.**

26 **(D) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY**
27 **DURING THE PERIOD THAT:**

28 **(1) BEGINS ON SEPTEMBER 1 IN THE YEAR PRECEDING THE**
29 **PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND**

30 **(2) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE DATE OF THE**
31 **PRIMARY ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.**

1 **15-107. QUALIFICATION OF CANDIDATE.**

2 (A) THE BOARD SHALL REVIEW AND MAKE A DETERMINATION
3 WHETHER TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NO
4 LATER THAN 15 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM
5 THE CANDIDATE:

6 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE
7 REGULATIONS AND POLICIES OF THE BOARD; AND

8 (2) A CAMPAIGN FINANCE REPORT THAT INCLUDES:

9 (I) ALL QUALIFYING CONTRIBUTIONS AND OTHER
10 CONTRIBUTIONS RECEIVED BY THE CANDIDATE;

11 (II) ALL EXPENDITURES MADE BY THE CANDIDATE; AND

12 (III) ALL RECEIPTS ASSOCIATED WITH THOSE
13 CONTRIBUTIONS AND EXPENDITURES.

14 (B) A CANDIDATE CERTIFIED BY THE BOARD AS A PARTICIPATING
15 CANDIDATE IS ELIGIBLE TO RECEIVE THE MATCHING FUNDS SPECIFIED UNDER
16 THIS TITLE FOR THE OFFICE THE CANDIDATE SEEKS.

17 (C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO
18 THE BOARD TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE ONLY
19 ONCE.

20 (D) A DETERMINATION BY THE BOARD AS TO WHETHER A CANDIDATE IS
21 ELIGIBLE FOR PUBLIC FINANCING:

22 (1) IS FINAL; AND

23 (2) IS NOT SUBJECT TO JUDICIAL REVIEW.

24 **15-108. PUBLICLY FUNDED CAMPAIGN ACCOUNT.**

25 (A) AFTER THE BOARD DETERMINES THAT A CANDIDATE HAS
26 SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE
27 BOARD SHALL AUTHORIZE THE DISBURSEMENT OF MATCHING FUNDS FROM
28 THE FUND TO THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE

1 PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE REQUIREMENTS OF
2 THIS TITLE.

3 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
4 PARTICIPATING CANDIDATE OR A PERSON ACTING ON BEHALF OF A
5 PARTICIPATING CANDIDATE MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR
6 THE CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED
7 CAMPAIGN ACCOUNT.

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

10 (D) (1) A PARTICIPATING CANDIDATE OR A PERSON ACTING ON
11 BEHALF OF A PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED
12 CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.

13 (2) THE BOARD MAY HAVE ACCESS AT ANY TIME TO THE
14 RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY
15 FUNDED CAMPAIGN ACCOUNT.

16 (3) THE BOARD MAY TERMINATE A PARTICIPATING CANDIDATE'S
17 PUBLICLY FUNDED CAMPAIGN ACCOUNT AS PROVIDED IN REGULATIONS
18 ADOPTED BY THE BOARD.

19 **15-109. JOINING A SLATE PROHIBITED.**

20 A PARTICIPATING CANDIDATE MAY NOT BE A MEMBER OF A SLATE IN ANY
21 ELECTION IN WHICH THE CANDIDATE IS GOVERNED BY THIS TITLE.

22 **15-110. EXPENDITURE LIMITS.**

23 (A) A PARTICIPATING GUBERNATORIAL TICKET MAY EXPEND FOR
24 CAMPAIGN PURPOSES AN AMOUNT THAT DOES NOT EXCEED THE FOLLOWING
25 LIMITS:

	PRIMARY	GENERAL	
	ELECTION	ELECTION	TOTAL
	\$4,000,000	\$4,000,000	\$8,000,000

29 (B) A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR
30 COMPTROLLER MAY EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT THAT
31 DOES NOT EXCEED THE FOLLOWING LIMITS:

1	PRIMARY	GENERAL	
2	ELECTION	ELECTION	TOTAL
3	\$1,000,000	\$1,000,000	\$2,000,000

4 **(C) A PARTICIPATING CANDIDATE FOR THE SENATE OF MARYLAND MAY**
5 **EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT THAT DOES NOT EXCEED THE**
6 **FOLLOWING LIMITS:**

7	PRIMARY	GENERAL	
8	ELECTION	ELECTION	TOTAL
9	\$150,000	\$150,000	\$300,000

10 **(D) A PARTICIPATING CANDIDATE FOR THE HOUSE OF DELEGATES MAY**
11 **EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT THAT DOES NOT EXCEED THE**
12 **FOLLOWING LIMITS:**

13		PRIMARY	GENERAL	
14	CONSTITUENCY	ELECTION	ELECTION	TOTAL
15	THREE MEMBER	\$100,000	\$100,000	\$200,000
16	TWO MEMBER	\$70,000	\$70,000	\$140,000
17	SINGLE MEMBER	\$40,000	\$40,000	\$80,000

18 **(E) THE BOARD MAY ALTER, BY REGULATION, THE EXPENDITURE**
19 **LIMITS SET FORTH IN THIS SECTION FOR THE ELECTION CYCLE BEGINNING**
20 **JANUARY 1, 2019, AND FOR EACH SUBSEQUENT ELECTION CYCLE.**

21 **(F) WHEN A CANDIDATE APPLIES TO BE CERTIFIED AS A**
22 **PARTICIPATING CANDIDATE UNDER § 15-107(A) OF THIS TITLE, THE**
23 **CANDIDATE MAY CHOOSE ONE OF THE FOLLOWING ALTERNATIVE**
24 **APPORTIONMENTS OF THE EXPENDITURE LIMITS ESTABLISHED FOR THE**
25 **CANDIDATE UNDER THIS SECTION:**

26 **(1) (I) FOR THE PRIMARY ELECTION, A PARTICIPATING**
27 **CANDIDATE MAY ELECT TO EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%**
28 **OF THE TOTAL COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE**
29 **CANDIDATE FOR THE PRIMARY ELECTION AND THE GENERAL ELECTION; AND**

30 **(II) FOR THE GENERAL ELECTION, THE PARTICIPATING**
31 **CANDIDATE MAY ELECT TO EXPEND AN AMOUNT THAT DOES NOT EXCEED 30%**
32 **OF THE TOTAL COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE**
33 **CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION; OR**

1 **(2) (I) FOR THE PRIMARY ELECTION, A PARTICIPATING**
2 **CANDIDATE MAY ELECT TO EXPEND AN AMOUNT THAT DOES NOT EXCEED 30%**
3 **OF THE TOTAL COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE**
4 **CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION; AND**

5 **(II) FOR THE GENERAL ELECTION, THE PARTICIPATING**
6 **CANDIDATE MAY ELECT TO EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%**
7 **OF THE TOTAL COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE**
8 **CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL ELECTION.**

9 **15-111. MATCHING FUNDS.**

10 **(A) (1) IN THIS SUBSECTION, AN “UNCONTESTED” ELECTION MEANS**
11 **AN ELECTION IN WHICH:**

12 **(I) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR**
13 **NOMINATION FOR OR ELECTION TO AN OFFICE; OR**

14 **(II) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN**
15 **FOR NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF**
16 **THE SAME CATEGORY EQUALS THE NUMBER OF OFFICES.**

17 **(2) A CANDIDATE WHOSE ELECTION IS UNCONTESTED IS NOT**
18 **ELIGIBLE TO RECEIVE MATCHING FUNDS.**

19 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL**
20 **AUTHORIZE THE DISBURSEMENT OF MATCHING FUNDS TO PARTICIPATING**
21 **CANDIDATES AS FOLLOWS:**

22 **(1) AN ELIGIBLE CONTRIBUTION THAT DOES NOT EXCEED \$50 IS**
23 **MATCHED AT A 5-TO-1 RATIO;**

24 **(2) AN ELIGIBLE CONTRIBUTION THAT EXCEEDS \$50 BUT DOES**
25 **NOT EXCEED \$100 IS MATCHED AT A 4-TO-1 RATIO;**

26 **(3) AN ELIGIBLE CONTRIBUTION THAT EXCEEDS \$100 BUT DOES**
27 **NOT EXCEED \$200 IS MATCHED AT A 3-TO-1 RATIO; AND**

28 **(4) FOR AN ELIGIBLE CONTRIBUTION THAT EXCEEDS \$200, THAT**
29 **PART OF THE ELIGIBLE CONTRIBUTION THAT DOES NOT EXCEED \$200 IS**
30 **MATCHED AT A 3-TO-1 RATIO.**

1 **(C) (1) A PARTICIPATING GUBERNATORIAL TICKET MAY NOT**
 2 **RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN EXCESS OF THE FOLLOWING**
 3 **AMOUNTS:**

4	PRIMARY	GENERAL	
5	ELECTION	ELECTION	TOTAL
6	\$1,000,000	\$1,000,000	\$2,000,000

7 **(2) A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR**
 8 **COMPTROLLER MAY NOT RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN**
 9 **EXCESS OF THE FOLLOWING AMOUNTS:**

10	PRIMARY	GENERAL	
11	ELECTION	ELECTION	TOTAL
12	\$500,000	\$500,000	\$1,000,000

13 **(3) A PARTICIPATING CANDIDATE FOR THE SENATE OF**
 14 **MARYLAND MAY NOT RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN**
 15 **EXCESS OF THE FOLLOWING AMOUNTS:**

16	PRIMARY	GENERAL	
17	ELECTION	ELECTION	TOTAL
18	\$75,000	\$75,000	\$150,000

19 **(4) A PARTICIPATING CANDIDATE FOR THE HOUSE OF**
 20 **DELEGATES MAY NOT RECEIVE A TOTAL AMOUNT OF MATCHING FUNDS IN**
 21 **EXCESS OF THE FOLLOWING AMOUNTS:**

22		PRIMARY	GENERAL	
23	CONSTITUENCY	ELECTION	ELECTION	TOTAL
24	THREE MEMBER	\$50,000	\$50,000	\$100,000
25	TWO MEMBER	\$35,000	\$35,000	\$70,000
26	SINGLE MEMBER	\$20,000	\$20,000	\$40,000

27 **(5) THE BOARD MAY ALTER, BY REGULATION, THE MATCHING**
 28 **FUNDS LIMITS SET FORTH IN THIS SUBSECTION FOR THE ELECTION CYCLE**
 29 **BEGINNING JANUARY 1, 2019, AND FOR EACH SUBSEQUENT ELECTION CYCLE.**

30 **(6) WHEN A CANDIDATE APPLIES TO BE CERTIFIED AS A**
 31 **PARTICIPATING CANDIDATE UNDER § 15-107(A) OF THIS TITLE, THE**
 32 **CANDIDATE MAY CHOOSE ONE OF THE FOLLOWING ALTERNATIVE**
 33 **APPORTIONMENTS OF THE MATCHING FUNDS LIMITS ESTABLISHED FOR THE**
 34 **CANDIDATE UNDER THIS SUBSECTION:**

1 **(I) 1. FOR THE PRIMARY ELECTION, A PARTICIPATING**
2 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT**
3 **DOES NOT EXCEED 70% OF THE TOTAL COMBINED MATCHING FUNDS LIMIT**
4 **ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND THE**
5 **GENERAL ELECTION; AND**

6 **2. FOR THE GENERAL ELECTION, THE**
7 **PARTICIPATING CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING**
8 **FUNDS THAT DOES NOT EXCEED 30% OF THE TOTAL COMBINED MATCHING**
9 **FUNDS LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION**
10 **AND GENERAL ELECTION; OR**

11 **(II) 1. FOR THE PRIMARY ELECTION, A PARTICIPATING**
12 **CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING FUNDS THAT**
13 **DOES NOT EXCEED 30% OF THE TOTAL COMBINED MATCHING FUNDS LIMIT**
14 **ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND GENERAL**
15 **ELECTION; AND**

16 **2. FOR THE GENERAL ELECTION, THE**
17 **PARTICIPATING CANDIDATE MAY ELECT TO RECEIVE AN AMOUNT OF MATCHING**
18 **FUNDS THAT DOES NOT EXCEED 70% OF THE TOTAL COMBINED MATCHING**
19 **FUNDS LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION**
20 **AND GENERAL ELECTION.**

21 **15-112. MATCHING FUNDS — DISBURSEMENT, USE, AND RETURN.**

22 **(A) (1) BEGINNING ON MARCH 1 OF THE YEAR OF THE ELECTION,**
23 **THE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE DISBURSEMENTS**
24 **OF MATCHING FUNDS FROM THE FUND TO PARTICIPATING CANDIDATES AT**
25 **LEAST FIVE TIMES BEFORE THE PRIMARY ELECTION, INCLUDING AT LEAST**
26 **THREE TIMES IN THE 30 DAYS BEFORE THE PRIMARY ELECTION.**

27 **(2) A PARTICIPATING CANDIDATE MAY USE THE MATCHING**
28 **FUNDS DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED**
29 **FOR THE PRIMARY ELECTION.**

30 **(3) WITHIN 10 DAYS AFTER THE PRIMARY ELECTION, A**
31 **PARTICIPATING CANDIDATE SHALL RETURN TO THE BOARD FOR DEPOSIT IN**
32 **THE FUND ANY MATCHING FUNDS THAT THE CANDIDATE DID NOT EXPEND ON**
33 **THE PRIMARY ELECTION.**

1 **(B) (1) AFTER THE STATE BOARD CERTIFIES THE RESULTS OF THE**
2 **PRIMARY ELECTION, THE BOARD SHALL AUTHORIZE THE COMPTROLLER TO**
3 **MAKE DISBURSEMENTS OF MATCHING FUNDS FROM THE FUND TO**
4 **PARTICIPATING CANDIDATES AT LEAST FIVE TIMES BEFORE THE GENERAL**
5 **ELECTION, INCLUDING AT LEAST THREE TIMES IN THE 30 DAYS BEFORE THE**
6 **GENERAL ELECTION.**

7 **(2) A PARTICIPATING CANDIDATE MAY USE THE MATCHING**
8 **FUNDS DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED**
9 **FOR THE GENERAL ELECTION.**

10 **(3) WITHIN 10 DAYS AFTER THE GENERAL ELECTION, A**
11 **PARTICIPATING CANDIDATE SHALL RETURN TO THE BOARD FOR DEPOSIT IN**
12 **THE FUND ANY MATCHING FUNDS THAT THE CANDIDATE DID NOT EXPEND ON**
13 **THE GENERAL ELECTION.**

14 **(C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS**
15 **ELIGIBLE TO RECEIVE MATCHING FUNDS FOR THE GENERAL ELECTION AFTER**
16 **MARCH 1 OF THE YEAR OF THE ELECTION IF:**

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

19 **(2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY**
20 **ELECTION.**

21 **(D) THE COMPTROLLER SHALL DEPOSIT MATCHING FUNDS IN THE**
22 **PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE AS**
23 **SOON AS PRACTICABLE AFTER THE BOARD DIRECTS THAT THE DISBURSEMENT**
24 **BE MADE.**

25 **15-113. PARTICIPATING CANDIDATE WHO OPTS OUT.**

26 **AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE**
27 **BOARD, IF A CANDIDATE ELECTS TO OPT OUT OF THE SYSTEM OF PUBLIC**
28 **FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE, THE CANDIDATE**
29 **SHALL:**

30 **(1) FILE A STATEMENT OF WITHDRAWAL WITH THE BOARD; AND**

31 **(2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF**
32 **WITHDRAWAL, REPAY TO THE BOARD FOR DEPOSIT IN THE FUND THE FULL**
33 **AMOUNT OF ANY MATCHING FUNDS THE CANDIDATE RECEIVED, TOGETHER**

1 WITH THE INTEREST AND PENALTY PRESCRIBED BY THE BOARD BY
2 REGULATION.

3 **15-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

4 THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY
5 FROM USING ITS FUNDS FOR EXPENSES FOR:

6 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL
7 PARTY;

8 (2) A POLITICAL PARTY CONVENTION;

9 (3) NOMINATING AND ENDORSING CANDIDATES;

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

12 (5) PARTY PLATFORM ACTIVITIES;

13 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
14 CANDIDATE-SPECIFIC;

15 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
16 CANDIDATE-SPECIFIC;

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

19 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT
20 CANDIDATE-SPECIFIC.

21 **15-115. JUDICIAL REVIEW.**

22 (A) EXCEPT AS PROVIDED IN § 15-107(D) OF THIS TITLE, AN ACTION OF
23 THE BOARD UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT IN
24 ACCORDANCE WITH § 10-222(C) OF THE STATE GOVERNMENT ARTICLE.

25 (B) A PETITION TO REVIEW AN ACTION OF THE BOARD UNDER THIS
26 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE BOARD ACTS.

27 **15-116. PROHIBITIONS AND PENALTIES.**

1 **(A) A PARTICIPATING CANDIDATE OR PERSON ACTING ON BEHALF OF A**
2 **PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:**

3 **(1) MAKE AN EXPENDITURE IN EXCESS OF THE AMOUNT**
4 **AUTHORIZED UNDER THIS TITLE;**

5 **(2) EXPEND A CONTRIBUTION OR MATCHING FUNDS FOR ANY**
6 **PURPOSE NOT AUTHORIZED BY LAW; OR**

7 **(3) PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD**
8 **INFORMATION ABOUT A CONTRIBUTION OR AN EXPENDITURE FROM THE**
9 **BOARD.**

10 **(B) A PARTICIPATING CANDIDATE OR PERSON ACTING ON BEHALF OF A**
11 **PARTICIPATING CANDIDATE WHO VIOLATES SUBSECTION (A) OF THIS SECTION**
12 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
13 **EXCEEDING \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.**

14 **(C) THE BOARD MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF**
15 **SUBSECTION (A) OF THIS SECTION:**

16 **(1) IN AN AMOUNT NOT EXCEEDING TWICE THE AMOUNT OF THE**
17 **UNLAWFUL EXPENDITURE OR FALSE DISCLOSURE, UP TO A MAXIMUM OF \$5,000**
18 **FOR EACH VIOLATION;**

19 **(2) TO BE PAID OUT OF THE PERSONAL FUNDS OF THE VIOLATOR;**
20 **AND**

21 **(3) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IN**
22 **ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS OF § 13-604.1 OF**
23 **THIS ARTICLE.**

24 **(D) THE BOARD MAY BAR AN INDIVIDUAL WHO VIOLATES THIS TITLE**
25 **FROM FURTHER PARTICIPATION AS A PARTICIPATING CANDIDATE UNDER THIS**
26 **TITLE.**

27 **15-117. SHORT TITLE.**

28 **THIS TITLE MAY BE CITED AS THE MARYLAND SMALL DONOR INCENTIVE**
29 **ACT.**

30 **Article – State Finance and Procurement**

31 **6-226.**

1 (a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not
2 apply to the following funds:

3 76. the Baltimore City Public School Construction
4 Financing Fund; [and]

5 77. the Spay/Neuter Fund; AND

6 78. **THE PUBLIC CAMPAIGN FINANCING FUND.**

7 **Article – Tax – General**

8 **2–114.**

9 **(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL**
10 **INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “PUBLIC**
11 **CAMPAIGN FINANCING FUND CONTRIBUTION”.**

12 **(2) THE CHECKOFF SHALL STATE THAT:**

13 **(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A**
14 **JOINT RETURN, MAY CONTRIBUTE TO THE PUBLIC CAMPAIGN FINANCING FUND**
15 **THE AMOUNT DESIGNATED BY THE INDIVIDUAL IF THE INDIVIDUAL OR EACH**
16 **SPOUSE IS A UNITED STATES CITIZEN OR ADMITTED FOR PERMANENT LEGAL**
17 **RESIDENCE IN THE UNITED STATES; AND**

18 **(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF**
19 **THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS**
20 **ENTITLED; OR**

21 **2. IF THE INDIVIDUAL IS NOT ENTITLED TO A**
22 **REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO**
23 **THE INCOME TAX TO BE PAID WITH THE RETURN.**

24 **(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL**
25 **INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH**
26 **THE PUBLIC CAMPAIGN FINANCING FUND WAS ESTABLISHED AND THE**
27 **PURPOSES FOR WHICH THE FUND MAY BE USED.**

28 **(B) THE COMPTROLLER SHALL:**

29 **(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO**
30 **THE STATE TREASURER FOR THE MONEY COLLECTED;**

1 **(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE**
2 **AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN**
3 **ADMINISTRATIVE COST ACCOUNT; AND**

4 **(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS**
5 **SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER**
6 **THIS SUBSECTION TO THE PUBLIC CAMPAIGN FINANCING FUND ESTABLISHED**
7 **UNDER § 15-104 OF THE ELECTION LAW ARTICLE.**

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

11 SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller shall
12 transfer all remaining funds as of December 31, 2014, in the Fair Campaign Financing
13 Fund established under former § 15-103 of the Election Law Article to the Public
14 Campaign Financing Fund established under § 15-104 of the Election Law Article as
15 enacted by this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That if any provision of this
17 Act or the application thereof to any person or circumstance is held invalid for any
18 reason in a court of competent jurisdiction, the invalidity does not affect other
19 provisions or any other application of this Act which can be given effect without the
20 invalid provision or application, and for this purpose the provisions of this Act are
21 declared severable.

22 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 January 1, 2015.