

# SENATE BILL 535

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CF HB 147

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By: **Senators Lam and Guzzone**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Local Public Campaign Financing – Boards of Education**

3 FOR the purpose of altering a certain provision of law to authorize the governing body of a  
4 county to establish, by law, a system of public campaign financing for an elected  
5 member of the county board of education; prohibiting a certain system of public  
6 campaign financing from including public campaign financing for the election of a  
7 student member of a county board of education; requiring a system of public  
8 campaign financing to provide certain funds and staffing for certain purposes;  
9 requiring the governing body of a county that establishes a certain system of public  
10 campaign financing to implement public campaign financing for certain elective  
11 offices for one full election cycle before implementing public campaign financing for  
12 an elected member of the county board of education; making conforming changes;  
13 making a technical correction; and generally relating to local public campaign  
14 financing.

15 BY repealing and reenacting, with amendments,  
16 Article – Election Law  
17 Section 13–505  
18 Annotated Code of Maryland  
19 (2017 Replacement Volume and 2018 Supplement)

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

22 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 13-505.

2 (a) (1) Subject to the provisions of this section, the governing body of a county  
3 may establish, by law, a system of public campaign financing for [elective] **THE**  
4 **FOLLOWING** offices:

5 (I) **AN ELECTIVE OFFICE** in the executive or legislative branches of  
6 county government; **OR**

7 (II) **AN ELECTED MEMBER OF THE COUNTY BOARD OF**  
8 **EDUCATION.**

9 (2) When establishing a system of public campaign financing for [elective  
10 offices in the executive or legislative branches of county government] **AN OFFICE UNDER**  
11 **PARAGRAPH (1) OF THIS SUBSECTION**, the governing body of a county shall specify the  
12 criteria that [is] **ARE** to be used to determine whether an individual is eligible for public  
13 campaign financing.

14 (3) **A SYSTEM OF PUBLIC CAMPAIGN FINANCING FOR THE OFFICE OF**  
15 **AN ELECTED MEMBER OF THE COUNTY BOARD OF EDUCATION MAY NOT INCLUDE**  
16 **PUBLIC CAMPAIGN FINANCING FOR THE ELECTION OF A STUDENT MEMBER OF THE**  
17 **COUNTY BOARD OF EDUCATION.**

18 (b) A system of public campaign financing enacted under subsection (a) of this  
19 section:

20 (1) shall provide for participation of candidates in public campaign  
21 financing on a strictly voluntary basis;

22 (2) may not regulate candidates who choose not to participate in public  
23 campaign financing;

24 (3) shall prohibit the use of public campaign financing for any campaign  
25 except a campaign for county elective office;

26 (4) shall require a candidate who accepts public campaign financing to:

27 (i) establish a campaign finance entity solely for the campaign for  
28 county elective office; and

29 (ii) use funds from that campaign finance entity only for the  
30 campaign for county elective office;

31 (5) shall prohibit a candidate who accepts public campaign financing from  
32 transferring funds:

1 (i) to the campaign finance entity established to finance the  
2 campaign for county elective office from any other campaign finance entity established for  
3 the candidate; and

4 (ii) from the campaign finance entity established to finance the  
5 campaign for county elective office to any other campaign finance entity;

6 (6) shall provide for a public election fund for county elective offices that is  
7 administered by the chief financial officer of the county; ~~and~~

8 **(7) SHALL PROVIDE THE FUNDS AND STAFFING ESSENTIAL FOR THE**  
9 **OPERATION, ADMINISTRATION, AND AUDITING OF THE SYSTEM OF PUBLIC**  
10 **CAMPAIGN FINANCING; AND**

11 ~~(7)~~ **(8)** shall be subject to regulation and oversight by the State Board to  
12 ensure conformity with State law and policy to the extent practicable.

13 **(C) IF THE GOVERNING BODY OF A COUNTY ESTABLISHES A SYSTEM OF**  
14 **PUBLIC CAMPAIGN FINANCING UNDER SUBSECTION (A) OF THIS SECTION THAT**  
15 **INCLUDES PUBLIC CAMPAIGN FINANCING FOR ALL ELECTIVE OFFICES SPECIFIED IN**  
16 **SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY OF THE COUNTY SHALL**  
17 **IMPLEMENT PUBLIC CAMPAIGN FINANCING FOR ONLY THE ELECTIVE OFFICES IN**  
18 **THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE COUNTY GOVERNMENT FOR**  
19 **ONE FULL ELECTION CYCLE BEFORE IMPLEMENTING PUBLIC CAMPAIGN FINANCING**  
20 **FOR AN ELECTED MEMBER OF THE COUNTY BOARD OF EDUCATION.**

21 ~~(D)~~ **(D)** A system of public campaign financing enacted under subsection (a) of this  
22 section may:

23 (1) provide for more stringent regulation of campaign finance activity by  
24 candidates who choose to accept public campaign financing, including contributions,  
25 expenditures, reporting, and campaign material, than is provided for by State law; and

26 (2) provide for administrative penalties for violations, in accordance with  
27 [Article 25A, § 5 of the Code] **§ 10-202 OF THE LOCAL GOVERNMENT ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2019.