

# HOUSE BILL 291

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HB 761/21 – W&M

2lr1356  
CF SB 101

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By: **Delegate Kaiser**

Introduced and read first time: January 17, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Contested Elections**

3 FOR the purpose of altering certain definitions to allow a campaign finance entity to pay  
4 expenses associated with contesting an election; prohibiting a recount under certain  
5 circumstances; altering the circumstances under which a petitioner for a recount is  
6 not liable for the costs of the recount; providing that a person who accepts certain  
7 public campaign financing may accept a donation or make a disbursement related to  
8 a contested election only if the person establishes a contested election committee and  
9 makes certain disclosures; providing that a certain system of public campaign  
10 financing established by the governing body of a county may include public financing  
11 of a contested election committee; and generally relating to contested elections.

12 BY repealing and reenacting, without amendments,  
13 Article – Election Law  
14 Section 1–101(a)  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Election Law  
19 Section 1–101(o) and (aa), 12–101(a), 12–103(a), 12–107, 13–233, and 13–505  
20 Annotated Code of Maryland  
21 (2017 Replacement Volume and 2021 Supplement)

22 BY adding to  
23 Article – Election Law  
24 Section 12–301 through 12–313 to be under the new subtitle “Subtitle 3. Contested  
25 Election Committee”  
26 Annotated Code of Maryland  
27 (2017 Replacement Volume and 2021 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 1–101.

5 (a) In this article the following words have the meanings indicated unless a  
6 different meaning is clearly intended from the context.

7 (o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer,  
8 of money or other thing of value to a campaign finance entity to:

9 (I) promote or assist in the promotion of the success or defeat of a  
10 candidate, political party, question, or prospective question; AND

11 (II) ASSIST IN THE PAYMENT OF EXPENSES ASSOCIATED WITH  
12 CONTESTING AN ELECTION UNDER TITLE 12 OF THIS ARTICLE.

13 (2) “Contribution” includes:

14 (i) proceeds from the sale of tickets to a campaign fund-raising  
15 event; and

16 (ii) a coordinated expenditure as defined in § 13–249 of this article.

17 (3) “Contribution” does not include the costs associated with the  
18 establishment, administration, or solicitation of voluntary contributions to a political action  
19 committee established by a corporation, limited liability company, general partnership,  
20 limited partnership, membership organization, trade association, cooperative, or  
21 corporation without capital stock as long as the political action committee only solicits  
22 contributions from employees of the organization that established the political action  
23 committee, or members of the organization that established the political action committee,  
24 and the employees or members are participating in a payroll deduction program established  
25 by the employer of the employee or member.

26 (aa) “Expenditure” means a gift, transfer, disbursement, or promise of money or a  
27 thing of value by or on behalf of a campaign finance entity to:

28 (1) promote or assist in the promotion of the success or defeat of a  
29 candidate, political party, question, or prospective question at an election; [or]

30 (2) PAY EXPENSES ASSOCIATED WITH CONTESTING AN ELECTION  
31 UNDER TITLE 12 OF THIS ARTICLE; OR

32 [(2)] (3) pay for the publication expense of a legislative newsletter under

1 Title 13, Subtitle 4 of this article.

2 12-101.

3 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
4 SUBSECTION, A candidate for public or party office who has been defeated based on the  
5 certified results of any election conducted under this article may petition for a recount of  
6 the votes cast for the office sought.

7 (2) A CANDIDATE MAY NOT PETITION FOR A RECOUNT IF THE MARGIN  
8 OF DIFFERENCE BETWEEN THE NUMBER OF VOTES RECEIVED BY AN APPARENT  
9 WINNER AND THE LOSING CANDIDATE WITH THE HIGHEST NUMBER OF VOTES FOR  
10 THE OFFICE IS GREATER THAN 5% OF THE TOTAL VOTES CAST FOR THOSE  
11 CANDIDATES.

12 12-103.

13 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
14 SUBSECTION, A petition for a recount based on the certified results of a question on the  
15 ballot in an election conducted under this article may be filed by a registered voter eligible  
16 to vote for that question.

17 (2) A REGISTERED VOTER MAY NOT FILE A PETITION FOR A RECOUNT  
18 IF THE MARGIN OF DIFFERENCE BETWEEN THE NUMBER OF VOTES CAST FOR AND  
19 THE NUMBER OF VOTES CAST AGAINST THE QUESTION IS GREATER THAN 5%.

20 12-107.

21 (a) In this section, “petitioner” includes a counterpetitioner.

22 (b) (1) Except as provided in paragraph (2) of this subsection, each petitioner  
23 shall pay the cost of a recount requested under this subtitle and the petitioner’s bond is  
24 liable for the cost.

25 (2) The petitioner is not liable for the costs of the recount if:

26 (i) the outcome of the election is changed;

27 (ii) the petitioner has gained a number of votes, for the petitioner’s  
28 candidacy or for or against the question that is the subject of the petition, equal to 2% or  
29 more of the total votes cast for the office or on the question, in all precincts being recounted;  
30 or

31 (iii) 1. the margin of difference in the number of votes received by  
32 an apparent winner and the losing candidate with the highest number of votes for an office  
33 is [0.1%] **0.25%** or less of the total votes cast for those candidates; or

1                                   2.       in the case of a question, the margin of difference between  
2 the number of votes cast for and the number cast against the question is [0.1%] **0.25%** or  
3 less.

4           (c)     If the petitioner is not liable for the costs of the recount as provided in  
5 subsection (b) of this section, a county shall pay the costs of the recount in that county.

6                                   **SUBTITLE 3. CONTESTED ELECTION COMMITTEE.**

7     **12-301.**

8           (A)     **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
9 **INDICATED.**

10           (B)     **(1)     “CONTESTED ELECTION” MEANS AN ELECTION SUBJECT TO:**

11                                   **(I)     A RECOUNT UNDER SUBTITLE 1 OF THIS TITLE; OR**

12                                   **(II)    A JUDICIAL CHALLENGE UNDER SUBTITLE 2 OF THIS TITLE.**

13                                   **(2)     “CONTESTED ELECTION” INCLUDES AN ELECTION THAT MAY BE**  
14 **SUBJECT TO A RECOUNT UNDER SUBTITLE 1 OF THIS TITLE, BUT FOR WHICH A**  
15 **RECOUNT DOES NOT OCCUR BECAUSE NEITHER CANDIDATE FILES A FORMAL**  
16 **RECOUNT PETITION OR INITIATES A JUDICIAL ACTION.**

17           (C)     **“CONTESTED ELECTION COMMITTEE” MEANS AN ENTITY FORMED FOR**  
18 **THE EXCLUSIVE PURPOSE OF RECEIVING DONATIONS AND MAKING DISBURSEMENTS**  
19 **RELATING TO A CONTESTED ELECTION.**

20     **12-302.**

21           (A)     **THIS SUBTITLE APPLIES ONLY TO A PERSON THAT ACCEPTS PUBLIC**  
22 **CAMPAIGN FINANCING UNDER:**

23                                   **(1)     TITLE 15 OF THIS ARTICLE; OR**

24                                   **(2)     § 13-505 OF THIS ARTICLE.**

25           (B)     **A PERSON MAY ACCEPT A DONATION OR MAKE A DISBURSEMENT**  
26 **RELATING TO A CONTESTED ELECTION ONLY IF THE PERSON:**

27                                   **(1)     ESTABLISHES A CONTESTED ELECTION COMMITTEE; AND**

28                                   **(2)     DISCLOSES THE DONATIONS AND DISBURSEMENTS IN**

1 ACCORDANCE WITH THIS SUBTITLE.

2 **12-303.**

3 A PERSON MAY ESTABLISH A CONTESTED ELECTION COMMITTEE AT ANY TIME  
4 BY FILING A STATEMENT OF ORGANIZATION WITH THE STATE BOARD THAT  
5 INCLUDES:

6 (1) THE APPOINTMENT OF A TREASURER; AND

7 (2) ANY OTHER INFORMATION THAT THE STATE BOARD REQUIRES.

8 **12-304.**

9 (A) A CONTESTED ELECTION COMMITTEE SHALL:

10 (1) DEPOSIT ALL DONATIONS RECEIVED IN A DESIGNATED BANK  
11 ACCOUNT; AND

12 (2) MAKE ALL DISBURSEMENTS FROM THE DESIGNATED BANK  
13 ACCOUNT.

14 (B) DISBURSEMENTS OF A CONTESTED ELECTION COMMITTEE SHALL:

15 (1) PASS THROUGH THE HANDS OF THE TREASURER; AND

16 (2) BE IN ACCORDANCE WITH THE PURPOSE OF THE ENTITY.

17 **12-305.**

18 (A) (1) A PERSON THAT ACCEPTS PUBLIC CAMPAIGN FINANCING UNDER  
19 TITLE 15 OF THIS ARTICLE MAY NOT SOLICIT OR ACCEPT A DONATION ON BEHALF  
20 OF A CONTESTED ELECTION COMMITTEE IN EXCESS OF THE CONTRIBUTION LIMITS  
21 ESTABLISHED UNDER TITLE 15 OF THIS ARTICLE.

22 (2) A PERSON THAT ACCEPTS PUBLIC CAMPAIGN FINANCING UNDER  
23 § 13-505 OF THIS ARTICLE MAY NOT SOLICIT OR ACCEPT A DONATION ON BEHALF  
24 OF A CONTESTED ELECTION COMMITTEE IN EXCESS OF THE CONTRIBUTION LIMITS  
25 ESTABLISHED IN LAW BY THE GOVERNING BODY OF THE COUNTY IN ACCORDANCE  
26 WITH § 13-505 OF THIS ARTICLE.

27 (B) (1) A CONTESTED ELECTION COMMITTEE MAY NOT ACCEPT A LOAN  
28 OTHER THAN A LOAN FROM:

29 (I) A FINANCIAL INSTITUTION OR OTHER ENTITY IN THE

1 BUSINESS OF MAKING LOANS; OR

2 (II) THE PERSONAL FUNDS OF A CANDIDATE OR THE  
3 CANDIDATE'S SPOUSE IF THE CONTESTED ELECTION COMMITTEE WAS ESTABLISHED  
4 TO FINANCE A RECOUNT OF AN ELECTION IN WHICH THE CANDIDATE WAS ON THE  
5 BALLOT.

6 (2) A LOAN UNDER THIS SUBSECTION MAY BE OF ANY AMOUNT.

7 12-306.

8 (A) THE TREASURER OF A CONTESTED ELECTION COMMITTEE SHALL  
9 MAINTAIN DETAILED AND ACCURATE RECORDS OF ALL:

10 (1) DONATIONS RECEIVED BY THE CONTESTED ELECTION  
11 COMMITTEE;

12 (2) DISBURSEMENTS MADE BY THE CONTESTED ELECTION  
13 COMMITTEE; AND

14 (3) OUTSTANDING OBLIGATIONS OF THE CONTESTED ELECTION  
15 COMMITTEE.

16 (B) A CONTESTED ELECTION COMMITTEE SHALL RETAIN THE RECORDS  
17 REQUIRED TO BE MAINTAINED UNDER SUBSECTION (A) OF THIS SECTION FOR A  
18 PERIOD OF 2 YEARS AFTER FILING A FINAL REPORT.

19 12-307.

20 (A) THE TREASURER OF A CONTESTED ELECTION COMMITTEE SHALL FILE  
21 REPORTS WITH THE STATE BOARD AS REQUIRED IN THIS SUBTITLE:

22 (1) USING AN ELECTRONIC FORMAT;

23 (2) WITH THE ELECTRONIC SIGNATURE OF THE TREASURER FILING  
24 THE REPORT;

25 (3) UNDER OATH; AND

26 (4) SUBJECT TO THE PENALTIES FOR PERJURY.

27 (B) THE STATE BOARD SHALL MAKE THE REPORTS SUBMITTED UNDER THIS  
28 SUBTITLE PUBLICLY AVAILABLE ON THE INTERNET.

29 12-308.

1           (A) A REPORT FILED BY THE TREASURER OF A CONTESTED ELECTION  
2 COMMITTEE UNDER THIS SUBTITLE SHALL INCLUDE THE INFORMATION REQUIRED  
3 BY THE STATE BOARD WITH RESPECT TO ALL DONATIONS, DISBURSEMENTS, AND  
4 OUTSTANDING OBLIGATIONS OF THE CONTESTED ELECTION COMMITTEE DURING  
5 THE REPORTING PERIOD.

6           (B) (1) IF THE PERSON WHO ESTABLISHED THE CONTESTED ELECTION  
7 COMMITTEE HAS FILED A PETITION FOR A RECOUNT UNDER SUBTITLE 1 OF THIS  
8 TITLE OR HAS FILED A COMPLAINT IN THE CIRCUIT COURT UNDER SUBTITLE 2 OF  
9 THIS TITLE, THE TREASURER OF THE CONTESTED ELECTION COMMITTEE SHALL  
10 FILE THE CONTESTED ELECTION COMMITTEE'S FIRST REPORT ON OR BEFORE THE  
11 FIRST DAY AFTER THE EARLIER OF:

12                       (I) THE DAY THE PERSON WHO ESTABLISHED THE CONTESTED  
13 ELECTION COMMITTEE FILED THE PETITION FOR A RECOUNT; OR

14                       (II) THE DAY THE PERSON WHO ESTABLISHED THE CONTESTED  
15 ELECTION COMMITTEE FILED THE COMPLAINT IN THE CIRCUIT COURT.

16           (2) IF THE PERSON WHO ESTABLISHED THE CONTESTED ELECTION  
17 COMMITTEE HAS NOT FILED A PETITION FOR A RECOUNT UNDER SUBTITLE 1 OF  
18 THIS TITLE OR FILED A COMPLAINT IN THE CIRCUIT COURT UNDER SUBTITLE 2 OF  
19 THIS TITLE, THE TREASURER OF THE CONTESTED ELECTION COMMITTEE SHALL  
20 FILE THE CONTESTED ELECTION COMMITTEE'S FIRST REPORT ON OR BEFORE THE  
21 DAY THAT IS 7 DAYS AFTER THE DAY THAT THE CONTESTED ELECTION COMMITTEE  
22 OF THE OPPOSING CANDIDATE OR OPPOSING PARTY FILED ITS FIRST REPORT  
23 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24           (C) THE TREASURER OF A CONTESTED ELECTION COMMITTEE SHALL FILE  
25 SUBSEQUENT REPORTS ON OR BEFORE:

26                       (1) THE MONDAY THAT IS 30 DAYS AFTER THE DUE DATE OF THE  
27 FIRST REPORT FILED BY THE CONTESTED ELECTION COMMITTEE UNDER  
28 SUBSECTION (B) OF THIS SECTION;

29                       (2) THE MONDAY THAT IS 60 DAYS AFTER THE DUE DATE OF THE  
30 FIRST REPORT FILED BY THE CONTESTED ELECTION COMMITTEE UNDER  
31 SUBSECTION (B) OF THIS SECTION; AND

32                       (3) THE THIRD WEDNESDAY IN JANUARY OF EACH YEAR THAT THE  
33 CONTESTED ELECTION COMMITTEE REMAINS IN EXISTENCE.

34           (D) THE STATE BOARD SHALL, BY REGULATION, ESTABLISH THE

1 REPORTING PERIODS FOR EACH OF THE REPORTS REQUIRED UNDER THIS  
2 SUBTITLE.

3 (E) IF THE TREASURER OF A CONTESTED ELECTION COMMITTEE FAILS TO  
4 PROVIDE ALL THE INFORMATION REQUIRED ON A REPORT UNDER THIS SUBTITLE:

5 (1) THE STATE BOARD SHALL NOTIFY THE TREASURER IN WRITING  
6 OF THE PARTICULAR DEFICIENCIES; AND

7 (2) THE TREASURER SHALL FILE AN AMENDED REPORT THAT  
8 INCLUDES ALL THE INFORMATION REQUIRED WITHIN 30 DAYS AFTER SERVICE OF  
9 THE NOTICE.

10 12-309.

11 (A) (1) THE STATE BOARD SHALL ASSESS LATE FILING FEES FOR  
12 FAILURE TO PROPERLY FILE A REPORT UNDER THIS SUBTITLE.

13 (2) THE STATE BOARD SHALL ASSESS THE FEES IN THE FOLLOWING  
14 AMOUNTS FOR EACH DAY OR PART OF A DAY THAT A REPORT UNDER THIS SUBTITLE  
15 IS OVERDUE:

16 (I) \$20 FOR EACH OF THE FIRST 7 DAYS;

17 (II) \$35 FOR EACH OF THE FOLLOWING 7 DAYS; AND

18 (III) \$50 FOR EACH DAY THEREAFTER.

19 (3) THE MAXIMUM FEE PAYABLE FOR A REPORT IS \$1,000.

20 (B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
21 LATE FILING FEE UNDER THIS SECTION SHALL BE PAID BY THE CONTESTED  
22 ELECTION COMMITTEE.

23 (II) IF THE CONTESTED ELECTION COMMITTEE HAS  
24 INSUFFICIENT FUNDS WITH WHICH TO PAY THE FULL AMOUNT OF THE LATE FILING  
25 FEE IN A TIMELY MANNER, AFTER THE ACCOUNT OF THE CONTESTED ELECTION  
26 COMMITTEE IS EXHAUSTED THE BALANCE OF THE LATE FILING FEE IS THE  
27 LIABILITY OF THE TREASURER.

28 (2) LATE FILING FEES SHALL BE DISTRIBUTED TO THE FAIR  
29 CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

30 (3) (I) THE STATE BOARD SHALL ACCEPT AN OVERDUE REPORT



1 THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING FEE, BUT THE REPORT  
2 IS NOT CONSIDERED FILED UNTIL THE FEE HAS BEEN PAID.

3 (II) AFTER AN OVERDUE REPORT IS RECEIVED UNDER  
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH, NO FURTHER LATE FILING FEE SHALL BE  
5 INCURRED.

6 (4) THE TREASURER OF A CONTESTED ELECTION COMMITTEE THAT  
7 FAILS TO PROPERLY FILE A REPORT MAY SEEK RELIEF FROM A LATE FILING FEE  
8 IMPOSED UNDER THIS SECTION FOR JUST CAUSE AS PROVIDED IN § 13-337 OF THIS  
9 ARTICLE.

10 12-310.

11 (A) (1) IF THE STATE BOARD DETERMINES THAT THERE HAS BEEN FOR  
12 MORE THAN 30 DAYS A FAILURE TO FILE A REPORT OR PAY A LATE FILING FEE  
13 UNDER THIS SUBTITLE, THE STATE BOARD SHALL ISSUE THE NOTICE REQUIRED  
14 UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE TREASURER OF THE  
15 CONTESTED ELECTION COMMITTEE IN VIOLATION.

16 (2) THE NOTICE SHALL DEMAND THAT, WITHIN 30 DAYS AFTER  
17 SERVICE OF THE NOTICE, EITHER:

18 (I) THE FAILURE TO FILE BE RECTIFIED AND ANY LATE FILING  
19 FEE DUE BE PAID; OR

20 (II) THE TREASURER SHOW CAUSE WHY THE STATE BOARD  
21 SHOULD NOT ASK THE APPROPRIATE PROSECUTING AUTHORITY TO PROSECUTE  
22 THE TREASURER FOR A VIOLATION OF THIS SUBTITLE.

23 (3) IN ITS DISCRETION, THE APPROPRIATE PROSECUTING  
24 AUTHORITY MAY REFER THE MATTER FOR ACTION TO THE CENTRAL COLLECTION  
25 UNIT WITHIN THE DEPARTMENT OF BUDGET AND MANAGEMENT.

26 (B) A TREASURER WHO FAILS, WITHOUT CAUSE, TO FILE THE REPORT AND  
27 PAY THE LATE FILING FEE WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE  
28 REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A  
29 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES PRESCRIBED IN  
30 § 13-603 OF THIS ARTICLE.

31 12-311.

32 (A) A CANDIDATE WHOSE CONTESTED ELECTION COMMITTEE HAS FAILED  
33 TO FILE A REPORT OR PAY A LATE FILING FEE THAT IS DUE UNDER THIS SUBTITLE

1 ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER  
2 § 5-801(B) OF THIS ARTICLE MAY NOT BE ISSUED A CERTIFICATE OF NOMINATION  
3 UNDER § 5-705 OF THIS ARTICLE.

4 (B) A CANDIDATE WHOSE CONTESTED ELECTION COMMITTEE HAS FAILED  
5 TO FILE A REPORT OR PAY A LATE FILING FEE THAT IS DUE UNDER THIS SUBTITLE  
6 MAY NOT, UNTIL THE REPORT IS FILED OR THE LATE FILING FEE IS PAID:

7 (1) BE DEEMED TO BE ELECTED TO A PUBLIC OR PARTY OFFICE IN  
8 THE STATE;

9 (2) TAKE THE OATH OR OTHERWISE ASSUME THE DUTIES OF THE  
10 OFFICE; OR

11 (3) RECEIVE A SALARY OR COMPENSATION FOR THE OFFICE.

12 (C) AN OFFICIAL OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS  
13 MAY NOT ISSUE A COMMISSION OR ADMINISTER AN OATH OF OFFICE TO AN  
14 INDIVIDUAL UNTIL THAT OFFICIAL RECEIVES CERTIFICATION FROM THE STATE  
15 BOARD THAT ALL REPORTS DUE UNDER THIS SUBTITLE FROM OR ON BEHALF OF  
16 THAT INDIVIDUAL HAVE BEEN FILED.

17 12-312.

18 (A) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON A CONTESTED  
19 ELECTION COMMITTEE IN ACCORDANCE WITH THIS SECTION FOR THE FOLLOWING  
20 VIOLATIONS:

21 (1) MAKING A DISBURSEMENT FOR A PURPOSE NOT RELATED TO A  
22 CONTESTED ELECTION;

23 (2) FAILURE TO DISPOSE OF SURPLUS FUNDS IN ACCORDANCE WITH  
24 § 12-313 OF THIS SUBTITLE;

25 (3) FAILURE TO MAINTAIN THE RECORDS REQUIRED UNDER § 12-306  
26 OF THIS SUBTITLE; OR

27 (4) FAILURE TO REPORT ALL DONATIONS, DISBURSEMENTS, AND  
28 OUTSTANDING OBLIGATIONS AS REQUIRED UNDER § 12-308 OF THIS SUBTITLE.

29 (B) A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE ASSESSED  
30 IN THE AMOUNT AND IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS ARTICLE.

31 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CIVIL

1 PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE CONTESTED  
2 ELECTION COMMITTEE.

3 (2) IF THE CONTESTED ELECTION COMMITTEE HAS INSUFFICIENT  
4 FUNDS WITH WHICH TO PAY THE FULL AMOUNT OF THE CIVIL PENALTY IN A TIMELY  
5 MANNER, AFTER THE ACCOUNT OF THE CONTESTED ELECTION COMMITTEE IS  
6 EXHAUSTED, THE BALANCE OF THE CIVIL PENALTY IS THE LIABILITY OF THE  
7 TREASURER.

8 12-313.

9 (A) (1) ANY PART OF A PUBLIC CONTRIBUTION MADE TO A CONTESTED  
10 ELECTION COMMITTEE THAT IS NOT SPENT SHALL BE REPAID TO THE APPROPRIATE  
11 GOVERNMENT ENTITY.

12 (2) IN COMPUTING WHETHER PART OF A PUBLIC CONTRIBUTION IS  
13 NOT SPENT, ALL PRIVATE CONTRIBUTIONS TO THE PERSON SHALL BE TREATED AS  
14 SPENT BEFORE THE EXPENDITURE OF ANY PUBLIC CONTRIBUTION.

15 (B) AFTER REPAYING REMAINING PUBLIC CONTRIBUTIONS UNDER  
16 SUBSECTION (A) OF THIS SECTION AND BEFORE FILING A FINAL REPORT, A  
17 CONTESTED ELECTION COMMITTEE SHALL PAY ALL OUTSTANDING OBLIGATIONS  
18 AND DISPOSE OF ALL ITS REMAINING ASSETS BY RETURNING THE REMAINING  
19 BALANCE IN THE ACCOUNT OF THE CONTESTED ELECTION COMMITTEE TO THE  
20 DONORS ON A PRO RATA BASIS.

21 13-233.

22 This Part V of this subtitle does not affect the right of an individual to[:

23 (1)] volunteer the individual's time or, for transportation incident to an  
24 election, personal vehicle[; or

25 (2) pay reasonable legal expenses associated with maintaining or  
26 contesting the results of an election].

27 13-505.

28 (a) IN THIS SECTION, "CONTESTED ELECTION COMMITTEE" MEANS A  
29 CONTESTED ELECTION COMMITTEE ESTABLISHED UNDER TITLE 12, SUBTITLE 3 OF  
30 THIS ARTICLE.

31 (B) (1) Subject to the provisions of this section, the governing body of a county  
32 may establish, by law, a system of public campaign financing for elective offices in the  
33 executive or legislative branches of county government.

1           **(2) A SYSTEM OF PUBLIC FINANCING ESTABLISHED UNDER**  
2 **PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE PUBLIC FINANCING OF A**  
3 **CONTESTED ELECTION COMMITTEE.**

4           **[(2)] (3)** When establishing a system of public campaign financing for  
5 elective offices in the executive or legislative branches of county government, the governing  
6 body of a county shall:

7                   (i) specify the criteria that **[is] ARE** to be used to determine whether  
8 an individual is eligible for public campaign financing; and

9                   (ii) provide the funding and staff necessary for the operation,  
10 administration, and auditing of the system of public campaign financing.

11           **[(b)] (C)** A system of public campaign financing enacted under subsection **[(a)]**  
12 **(B)** of this section:

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

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

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

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

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

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

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

26                           (i) to the campaign finance entity established to finance the  
27 campaign for county elective office from any other campaign finance entity established for  
28 the candidate; and

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

31                   (6) shall provide for a public election fund for county elective offices that is

1 administered by the chief financial officer of the county; and

2 (7) shall be subject to regulation and oversight by the State Board to ensure  
3 conformity with State law and policy to the extent practicable.

4 ~~[(c)]~~ **(D)** A system of public campaign financing enacted under subsection ~~[(a)]~~  
5 **(B)** of this section may:

6 (1) provide for more stringent regulation of campaign finance activity by  
7 candidates who choose to accept public campaign financing, including contributions,  
8 expenditures, reporting, and campaign material, than is provided for by State law; ~~[and]~~

9 (2) provide for administrative penalties for violations, in accordance with §  
10 10–202 of the Local Government Article; **AND**

11 **(3) ALLOW A PUBLICLY FINANCED CANDIDATE TO TRANSFER ANY**  
12 **AMOUNT OF FUNDS FROM THE CANDIDATE’S CAMPAIGN FINANCE ENTITY TO THE**  
13 **CANDIDATE’S CONTESTED ELECTION COMMITTEE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
15 1, 2022.