

SENATE BILL 657

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SB 681/10 – EHE & JPR

11r1167
CF HB 159

By: **Senators Pinsky, Forehand, Jones–Rodwell, King, Madaleno, Manno, Montgomery, and Raskin**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Funding and Small Donor Act for General Assembly Elections**

3 FOR the purpose of repealing the Public Financing Act for gubernatorial candidates;
4 altering certain limits on certain contributions and transfers; providing that
5 contributions shall be considered as being made by one contributor if the
6 contributions are by a sole proprietor, regardless of the number of sole
7 proprietorships owned by that individual; authorizing the governing body of a
8 county to enact laws to regulate public campaign finance activity for certain
9 county elective offices and certain candidates for election to those offices;
10 specifying certain provisions and limitations applicable to any county laws
11 enacted to regulate public campaign finance activity; establishing a system of
12 public financing of campaigns for certain General Assembly candidates;
13 requiring the State Board of Elections to administer the system of public
14 financing for General Assembly candidates; specifying certain powers and
15 duties of the State Board; creating the Public Election Fund and providing for
16 the inclusion of certain money in the Fund; transferring the money in the Fair
17 Campaign Financing Fund for gubernatorial candidates to the Public Election
18 Fund; defining certain terms; specifying certain procedures, requirements, and
19 conditions participating candidates must meet to receive a distribution from the
20 Public Election Fund; requiring that participating candidates adhere to certain
21 campaign expenditure limits; authorizing participating candidates to raise
22 certain supplemental private contributions under certain circumstances;
23 requiring the Comptroller to perform certain duties in connection with the
24 establishment, maintenance, and administration of the Public Election Fund;
25 prohibiting a participating candidate from being a member of a slate;
26 prohibiting a participating candidate from accepting a contribution from a
27 political party; requiring a participating candidate who opts out of public
28 financing to repay the full amount of the public contribution received by the
29 candidate and pay a certain penalty; providing for judicial review of certain
30 actions by the State Board, subject to a certain exception; providing for certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 penalties; providing that certain captions are not law and may not be considered
 2 to have been enacted as part of this Act; requiring the State Board to adopt
 3 certain regulations; making provisions of this Act severable; creating a
 4 Commission to Study Public Financing of Elections in Maryland; providing for
 5 the membership, duties, and staffing of the Commission; requiring the
 6 Commission to report its findings and recommendations to the Governor and
 7 the General Assembly on or before a certain date; requiring the State Board to
 8 provide certain reports to certain persons on or before certain dates on certain
 9 matters; providing for a delayed effective date for certain provisions of this Act;
 10 providing for the termination of certain provisions of this Act; and generally
 11 relating to the Public Funding and Small Donor Act for General Assembly
 12 Elections.

13 BY repealing

14 Article – Election Law
 15 Section 15–101 through 15–111 and the title “Title 15. Public Financing Act”
 16 Annotated Code of Maryland
 17 (2010 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Election Law
 20 Section 13–226, 13–227, and 13–235
 21 Annotated Code of Maryland
 22 (2010 Replacement Volume)

23 BY adding to

24 Article – Election Law
 25 Section 13–505; and 15–101 through 15–118 to be under the new title “Title 15.
 26 Public Funding and Small Donor Act for General Assembly Elections”
 27 Annotated Code of Maryland
 28 (2010 Replacement Volume)

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

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

35 **Article – Election Law**

36 13–226.

37 (a) The limits on contributions in this section do not apply to:

38 (1) a contribution to a ballot issue committee; or

1 (2) those contributions defined as transfers.

2 (b) Subject to subsection (c) of this section, a person may not, either directly
3 or indirectly, in an election cycle make:

4 (1) aggregate contributions in excess of:

5 (i) ~~[\$4,000]~~ **\$4,400** to any one campaign finance entity; or

6 (ii) ~~[\$10,000]~~ **\$15,000** to all campaign finance entities; or

7 (2) a contribution of money in excess of \$100 except by check or credit
8 card.

9 (c) (1) Notwithstanding subsection (b) of this section, a central committee
10 of a political party may make aggregate in-kind contributions during an election cycle
11 that are not in excess of:

12 (i) for a State central committee, \$1 for every two registered
13 voters in the State; and

14 (ii) for a local central committee, \$1 for every two registered
15 voters in the county.

16 (2) For the purposes of paragraph (1) of this subsection, the number of
17 registered voters is determined, regardless of party affiliation, as of the first day of the
18 election cycle.

19 (d) The limit on contributions to the campaign finance entity of a candidate
20 applies regardless of the number of offices sought by the candidate or campaign
21 finance entities formed to support the candidate.

22 (e) Contributions **SHALL BE CONSIDERED AS BEING MADE BY ONE**
23 **CONTRIBUTOR IF THE CONTRIBUTIONS ARE MADE:**

24 **(1)** by a corporation and any wholly owned subsidiary of the
25 corporation, or by two or more corporations owned by the same stockholders[, shall be
26 considered as being made by one contributor]; **OR**

27 **(2)** **BY A SOLE PROPRIETOR, REGARDLESS OF THE NUMBER OF**
28 **SOLE PROPRIETORSHIPS OWNED BY THAT INDIVIDUAL.**

29 13–227.

30 (a) In this section, a “campaign finance entity” includes a nonfederal
31 out-of-state political committee.

1 (b) The limit on transfers set forth in subsection (c) of this section does not
2 apply to a transfer:

3 (1) by a campaign finance entity to a ballot issue committee;

4 (2) between or among:

5 (i) political committees that are State or local central
6 committees of the same political party;

7 (ii) a slate and the campaign finance entities of its members;
8 and

9 (iii) the campaign finance entities of a candidate.

10 (c) During an election cycle, a campaign finance entity may not directly or
11 indirectly make transfers in a cumulative amount of more than [~~\$6,000~~] **\$6,600** to
12 any one other campaign finance entity.

13 (d) (1) All affiliated campaign finance entities are treated as a single
14 entity in determining:

15 (i) the amount of transfers made by a campaign finance entity;
16 and

17 (ii) the amount of transfers received by a campaign finance
18 entity.

19 (2) Campaign finance entities are deemed to be affiliated if they:

20 (i) are organized and operated in coordination and cooperation
21 with each other; or

22 (ii) otherwise conduct their operations and make their decisions
23 relating to transfers and other contributions under the control of the same individual
24 or entity.

25 (e) The limit on transfers to the campaign finance entities of a candidate
26 prescribed in subsection (c) of this section applies regardless of the number of offices
27 sought by the candidate.

28 13–235.

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

30 (1) the Governor;

- 1 (2) the Lieutenant Governor;
- 2 (3) the Attorney General;
- 3 (4) the Comptroller; and
- 4 (5) a member of the General Assembly.

5 (b) Except as provided in subsection (c) or (d) of this section, during a regular
6 session of the General Assembly an official described in subsection (a) of this section,
7 or a person acting on behalf of the official, may not, as to a candidate for federal, State,
8 or local office, or a campaign finance entity of the candidate or any other campaign
9 finance entity organized under this title and operated in coordination with a
10 candidate:

- 11 (1) receive a contribution;
- 12 (2) conduct a fund-raising event;
- 13 (3) solicit or sell a ticket to a fund-raising event; or
- 14 (4) deposit or use any contribution of money that was not deposited
15 prior to the session.

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

20 (d) [Under the Public Financing Act, a gubernatorial ticket, during the year
21 of the election only, may accept eligible private contributions and any disbursement of
22 funds by the State Board that is based on the eligible private contributions] **UNDER
23 THE PUBLIC FUNDING AND SMALL DONOR ACT FOR GENERAL ASSEMBLY
24 ELECTIONS, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE
25 ELECTION ONLY, MAY ACCEPT SEED MONEY AND QUALIFYING CONTRIBUTIONS
26 AND ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT ARE BASED ON
27 THE QUALIFYING CONTRIBUTIONS.**

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

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

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

- 1 (i) refund the contribution to the contributor; and
- 2 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
3 amount of the contribution.

4 **13-505. REGULATION OF LOCAL CAMPAIGN FINANCE ACTIVITY.**

5 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING
6 BODY OF A COUNTY MAY ENACT LAWS TO REGULATE PUBLIC CAMPAIGN
7 FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES AND CANDIDATES FOR
8 ELECTION TO THOSE OFFICES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN
9 FINANCING.

10 (B) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT
11 REGULATE COUNTY ELECTIVE OFFICES OR CANDIDATES FOR ELECTION TO
12 THOSE OFFICES WHO DO NOT RECEIVE ANY PUBLIC CAMPAIGN FINANCING.

13 (C) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

14 (1) PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING FOR
15 ANY ELECTION OTHER THAN THAT OF A COUNTY ELECTIVE OFFICE;

16 (2) REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN
17 FINANCING TO:

18 (I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR
19 THE CAMPAIGN FOR THAT COUNTY ELECTIVE OFFICE; AND

20 (II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY
21 ONLY FOR THAT CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND

22 (3) PROHIBIT THE TRANSFER OF FUNDS INTO THE CAMPAIGN
23 FINANCE ENTITY ESTABLISHED FOR THE COUNTY ELECTIVE OFFICE BY A
24 CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING FROM ANY OTHER
25 CAMPAIGN FINANCE ENTITY PREVIOUSLY ESTABLISHED FOR THAT CANDIDATE.

26 (D) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

27 (1) PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY
28 ELECTIVE OFFICES ADMINISTERED BY THE CHIEF FINANCIAL OFFICER OF THE
29 COUNTY; AND

1 **(2) REQUIRE THAT THE SYSTEM FOR PUBLIC CAMPAIGN FINANCE**
2 **ACTIVITY FOR COUNTY ELECTIVE OFFICES BE REGULATED IN ACCORDANCE**
3 **WITH STATE LAW BY THE STATE BOARD.**

4 **(E) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:**

5 **(1) ESTABLISH A SYSTEM OF PUBLIC CAMPAIGN FINANCING; AND**

6 **(2) INCLUDE PROVISIONS RELATING TO CONTRIBUTIONS,**
7 **EXPENDITURES, REPORTING, CAMPAIGN MATERIAL, AND, AS PROVIDED UNDER**
8 **ARTICLE 25A, § 5 OF THE CODE, ADMINISTRATIVE PENALTIES.**

9 **(F) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION:**

10 **(1) MAY BE MORE STRINGENT THAN ANY APPLICABLE LAW OF**
11 **THE STATE AND MODIFIED TO THE EXTENT NECESSARY TO MAKE THE**
12 **PROVISIONS RELEVANT TO THE COUNTY; BUT**

13 **(2) MAY NOT CONFLICT WITH ANY APPLICABLE LAW OF THE**
14 **STATE OR THE UNITED STATES.**

15 **TITLE 15. PUBLIC FUNDING AND SMALL DONOR ACT FOR GENERAL ASSEMBLY**
16 **ELECTIONS.**

17 **15-101. DEFINITIONS.**

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

20 **(B) “COMPTROLLER” MEANS THE STATE COMPTROLLER OF THE**
21 **TREASURY.**

22 **(C) “FUND” MEANS THE PUBLIC ELECTION FUND.**

23 **(D) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE FOR ELECTION**
24 **AS A MEMBER OF THE GENERAL ASSEMBLY WHO IS DETERMINED BY THE STATE**
25 **BOARD AS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.**

26 **(E) “PUBLIC CONTRIBUTION” MEANS A SUM DISBURSED FROM THE**
27 **FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS**
28 **OF THIS TITLE.**

29 **(F) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION THAT:**

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

4 (2) IS AT LEAST \$5.

5 (G) “SEED MONEY” MEANS LAWFUL CONTRIBUTIONS THAT:

6 (1) ARE RAISED BY A CANDIDATE FOR ELECTION TO THE
7 GENERAL ASSEMBLY AS A FIRST STEP TO SEEK QUALIFICATION FOR PUBLIC
8 FINANCING UNDER THIS TITLE;

9 (2) INCLUDE NO CONTRIBUTION OF MORE THAN \$250 FOR EACH
10 DONOR; AND

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

15 **15-102. DUTIES.**

16 (A) THE STATE BOARD SHALL MANAGE AND SUPERVISE THE SYSTEM OF
17 PUBLIC FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

18 (B) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO
19 EFFECT THE PURPOSES OF THIS TITLE.

20 (C) THE STATE BOARD SHALL:

21 (1) ENSURE THAT THE SYSTEM OF PUBLIC FINANCING OF
22 ELECTIONS:

23 (I) ACCOMMODATES QUALIFYING CANDIDATES ON A
24 FIRST-COME, FIRST-SERVED BASIS;

25 (II) ESTABLISHES AN INITIAL LIMIT ON THE NUMBER OF
26 PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

27 (III) ALLOWS FOR AN INCREASE OR DECREASE IN THE
28 NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN
29 CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

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

4 **(I) CONTRIBUTIONS TO AND EXPENDITURES BY**
5 **PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED**
6 **CAMPAIGN FINANCE ENTITIES; AND**

7 **(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE**
8 **DISBURSED TO PARTICIPATING CANDIDATES;**

9 **(3) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY**
10 **TO ENSURE COMPLIANCE WITH THIS TITLE;**

11 **(4) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES**
12 **INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM**
13 **CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS**
14 **TITLE; AND**

15 **(5) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY,**
16 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AFTER**
17 **EACH ELECTION CYCLE THAT INCLUDES:**

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

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

21 **(III) A DETAILED SUMMARY REGARDING QUALIFYING**
22 **CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY**
23 **PARTICIPATING CANDIDATES;**

24 **(IV) EXPENDITURES MADE BY PARTICIPATING AND**
25 **NONPARTICIPATING CANDIDATES; AND**

26 **(V) ANY OTHER INFORMATION THE STATE BOARD**
27 **DETERMINES TO BE APPROPRIATE.**

28 **15-103. DISCRETIONARY POWERS.**

29 **THE STATE BOARD MAY:**

30 **(1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO**
31 **PERFORM ITS FUNCTIONS UNDER THIS TITLE;**

1 **(2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;**

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

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

7 **(5) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES**
8 **TO ENSURE COMPLIANCE WITH THIS TITLE;**

9 **(6) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN**
10 **FINANCE ENTITY SUBJECT TO THIS ARTICLE;**

11 **(7) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH**
12 **THIS TITLE;**

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

15 **(9) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:**

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

18 **(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL**
19 **RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL**
20 **VIOLATION;**

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

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

25 **15-104. THE FUND.**

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

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

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

2 **(I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT**
3 **BEGAN ON JANUARY 1, 2011, PUBLIC FINANCING FOR THE ELECTION**
4 **CAMPAIGNS OF PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR**
5 **GENERAL ELECTION; AND**

6 **(II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT**
7 **COSTS OF THE STATE BOARD RELATED TO THIS TITLE.**

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

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

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

13 **(B) TO SUPPORT A PILOT PROGRAM FOR THE ELECTION CYCLE THAT**
14 **BEGAN ON JANUARY 1, 2011, AND ENDS ON DECEMBER 31, 2014, THE FUND**
15 **SHALL CONSIST OF THE FOLLOWING MONEY:**

16 **(1) UNSPENT SEED MONEY COLLECTED BY CANDIDATES WHO**
17 **FAIL TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE;**

18 **(2) EXCESS SEED MONEY COLLECTED BY ANY CANDIDATE WHO**
19 **SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, REGARDLESS**
20 **OF WHETHER THE CANDIDATE BECOMES CERTIFIED;**

21 **(3) QUALIFYING CONTRIBUTIONS REQUIRED OF A CANDIDATE**
22 **WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE,**
23 **INCLUDING QUALIFYING CONTRIBUTIONS IN EXCESS OF THE AMOUNT**
24 **PRESCRIBED UNDER § 15-106 OF THIS TITLE THAT ARE RAISED BY THE**
25 **CANDIDATE;**

26 **(4) UNSPENT MONEY THAT:**

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

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

1 **(5) FINES LEVIED BY THE STATE BOARD AGAINST CANDIDATES**
2 **FOR VIOLATIONS OF THE ELECTION LAW;**

3 **(6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;**

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

5 **(8) THE BALANCE OF THE MONEY ON JULY 1, 2011, AS CERTIFIED**
6 **BY THE COMPTROLLER, THAT WAS TRANSFERRED FROM THE FAIR CAMPAIGN**
7 **FINANCING FUND FOR GUBERNATORIAL CANDIDATES ON ITS TERMINATION ON**
8 **JULY 1, 2011, AND PRESERVED AND MAINTAINED BY THE COMPTROLLER FOR**
9 **THE PURPOSES OF THE PUBLIC ELECTION FUND; AND**

10 **(9) ANY MONEY PROVIDED IN THE ANNUAL STATE BUDGET FOR**
11 **THE PURPOSES OF THIS TITLE.**

12 **(C) FOR THE ELECTION CYCLE THAT BEGINS ON JANUARY 1, 2015, AND**
13 **EACH ELECTION CYCLE THEREAFTER, FUNDS FOR THE PUBLIC FUNDING AND**
14 **SMALL DONOR ACT FOR GENERAL ASSEMBLY ELECTIONS SHALL BE AS**
15 **PROVIDED IN THE STATE BUDGET.**

16 **15-105. SEED MONEY; PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED.**

17 **(A) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING**
18 **UNDER THIS TITLE SHALL:**

19 **(1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE STATE**
20 **BOARD NO LATER THAN APRIL 15 OF THE YEAR OF THE ELECTION ON THE**
21 **FORM PRESCRIBED BY THE STATE BOARD; AND**

22 **(2) IN CONJUNCTION WITH THE STATE BOARD AND BEFORE**
23 **RAISING SEED MONEY OR ANY OTHER CONTRIBUTION GOVERNED BY THIS**
24 **TITLE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE**
25 **CANDIDATE FOR THE PURPOSE OF RECEIVING CONTRIBUTIONS AND MAKING**
26 **EXPENDITURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.**

27 **(B) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING**
28 **UNDER THIS TITLE MAY ACCEPT SEED MONEY ONLY AS SPECIFIED IN THIS**
29 **SECTION, INCLUDING:**

30 **(1) AGGREGATE SEED MONEY OF NO MORE THAN:**

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

1 **(II) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE**
2 **HOUSE OF DELEGATES; AND**

3 **(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM**
4 **THE CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER**
5 **CONTRIBUTED AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION.**

6 **(C) A CANDIDATE SHALL REMIT TO THE FUND ANY SEED MONEY RAISED**
7 **BY THE CANDIDATE IN EXCESS OF:**

8 **(1) \$3,500, IF A CANDIDATE FOR THE SENATE OF MARYLAND; OR**

9 **(2) \$3,500, IF A CANDIDATE FOR THE HOUSE OF DELEGATES.**

10 **(D) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING**
11 **CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY SPEND SEED**
12 **MONEY, TO THE LIMIT ALLOWED UNDER THIS SECTION, DURING THE**
13 **QUALIFYING CONTRIBUTIONS PERIOD.**

14 **15-106. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.**

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

17 **(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND**
18 **THEN SHALL COLLECT:**

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

20 **(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST**
21 **\$1,000; AND**

22 **(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES**
23 **THEN SHALL COLLECT:**

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

25 **(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST**
26 **\$1,000.**

27 **(B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:**

1 **(1) SPECIFY HOW AND WHEN QUALIFYING CONTRIBUTIONS MUST**
2 **BE SUBMITTED TO THE STATE BOARD; AND**

3 **(2) ALLOW FOR ANY CONTRIBUTION OR QUALIFYING**
4 **CONTRIBUTION UNDER THIS SECTION TO BE MADE THROUGH THE INTERNET.**

5 **(C) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING**
6 **CANDIDATE SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN**
7 **THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AND THEREAFTER**
8 **DELIVER THE AMOUNT RECEIVED TO THE STATE BOARD FOR DEPOSIT IN THE**
9 **FUND.**

10 **(D) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION FOR A**
11 **CANDIDATE BY CASH, CHECK, OR MONEY ORDER MADE PAYABLE TO THE FUND**
12 **OR THROUGH THE INTERNET IN ACCORDANCE WITH THE REGULATIONS OF THE**
13 **STATE BOARD.**

14 **(E) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING**
15 **CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE STATE BOARD FOR**
16 **DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:**

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

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

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

23 **(F) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY**
24 **DURING THE PERIOD THAT:**

25 **(1) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE**
26 **PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND**

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

29 **(G) A CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM:**

30 **(1) A BUSINESS ENTITY;**

31 **(2) A POLITICAL PARTY;**

- 1 **(3) A REGULATED LOBBYIST;**
2 **(4) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**
3 **(5) A POLITICAL ACTION COMMITTEE; OR**
4 **(6) ANY OTHER POLITICAL COMMITTEE.**

5 **(H) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL**
6 **ASSEMBLY WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE**
7 **IS BOUND BY THE FUND-RAISING RESTRICTIONS SPECIFIED UNDER § 13-235 OF**
8 **THIS ARTICLE.**

9 **(I) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS GOVERNING**
10 **QUALIFYING CONTRIBUTIONS PRESCRIBED UNDER REGULATIONS ADOPTED BY**
11 **THE STATE BOARD.**

12 **15-107. QUALIFICATION OF CANDIDATE – DETERMINATION BY STATE BOARD.**

13 **(A) THE STATE BOARD SHALL REVIEW AND MAKE A DETERMINATION**
14 **WHETHER TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NO**
15 **LATER THAN 15 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM**
16 **THE CANDIDATE:**

17 **(1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE**
18 **REGULATIONS AND POLICIES PRESCRIBED BY THE STATE BOARD; AND**

19 **(2) A CAMPAIGN FINANCE REPORT THAT STATES, IN ADDITION TO**
20 **THE LIST OF QUALIFYING CONTRIBUTIONS REQUIRED UNDER § 15-106 OF THIS**
21 **TITLE:**

22 **(I) ALL EXPENDITURES MADE BY THE CANDIDATE DURING**
23 **THE CAMPAIGN; AND**

24 **(II) ALL RECEIPTS ASSOCIATED WITH THOSE**
25 **CONTRIBUTIONS AND EXPENDITURES.**

26 **(B) A CANDIDATE CERTIFIED BY THE STATE BOARD AS A**
27 **PARTICIPATING CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION**
28 **SPECIFIED UNDER THIS TITLE FOR THAT LEGISLATIVE OFFICE.**

1 **(C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO**
2 **THE STATE BOARD TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE**
3 **ONLY ONCE.**

4 **(D) A DETERMINATION BY THE STATE BOARD AS TO WHETHER A**
5 **CANDIDATE IS ELIGIBLE FOR PUBLIC FINANCING:**

6 **(1) IS FINAL; AND**

7 **(2) IS NOT SUBJECT TO JUDICIAL REVIEW.**

8 **15-108. DISTRIBUTION TO PARTICIPATING CANDIDATE'S PUBLICLY FUNDED**
9 **CAMPAIGN ACCOUNT.**

10 **(A) AFTER THE STATE BOARD DETERMINES THAT A CANDIDATE HAS**
11 **SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE**
12 **STATE BOARD SHALL AUTHORIZE THE DISBURSEMENT OF A PUBLIC**
13 **CONTRIBUTION FROM THE FUND TO THE PUBLICLY FUNDED CAMPAIGN**
14 **ACCOUNT FOR THAT PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE**
15 **REQUIREMENTS OF THIS TITLE.**

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

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

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

26 **(2) THE STATE BOARD MAY GAIN ACCESS AT ANY TIME TO THE**
27 **RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY**
28 **FUNDED CAMPAIGN ACCOUNT.**

29 **(3) IN ACCORDANCE WITH THE STATE BOARD REGULATIONS AND**
30 **GUIDELINES, THE STATE BOARD MAY TERMINATE A PARTICIPATING**
31 **CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.**

32 **15-109. PARTICIPATING CANDIDATE – JOINING A SLATE PROHIBITED.**

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

3 **15-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE**
4 **GENERAL ASSEMBLY.**

5 **(A) IN THIS SECTION, AN “UNCONTESTED” ELECTION MEANS AN**
6 **ELECTION IN WHICH:**

7 **(1) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION**
8 **FOR OR ELECTION TO AN OFFICE; OR**

9 **(2) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR**
10 **NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE**
11 **SAME CATEGORY EQUALS THE NUMBER OF CANDIDATES.**

12 **(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF**
13 **MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS**
14 **OF THE LIMITS SPECIFIED IN THIS SUBSECTION.**

	PRIMARY	GENERAL	TOTAL
15 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
17 UNCONTESTED SENATE	8,000	4,000	12,000

18 **(C) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF**
19 **DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN**
20 **EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.**

	PRIMARY	GENERAL	TOTAL
21 CONTESTED HOUSE			
22 (THREE MEMBER)	\$50,000	\$50,000	\$100,000
23 (TWO MEMBER)	35,000	35,000	70,000
24 (SINGLE MEMBER)	20,000	20,000	40,000
25 UNCONTESTED HOUSE			
26 (THREE MEMBER)	\$8,000	\$4,000	\$12,000
27 (TWO MEMBER)	6,000	3,500	9,500
28 (SINGLE MEMBER)	5,000	3,000	8,000

30 **(D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE**
31 **FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF**
32 **DELEGATES WHO IS ENGAGED IN:**

1 **(I) A CONTESTED PRIMARY ELECTION AND A CONTESTED**
2 **GENERAL ELECTION; OR**

3 **(II) AN UNCONTESTED PRIMARY ELECTION.**

4 **(2) A PARTICIPATING CANDIDATE WHO IS INVOLVED IN A**
5 **CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY**
6 **CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT**
7 **ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT:**

8 **(I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY**
9 **RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT**
10 **EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT**
11 **CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION;**
12 **AND**

13 **(II) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, FOR**
14 **THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE A PUBLIC**
15 **CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED**
16 **EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY**
17 **ELECTION AND FOR THE GENERAL ELECTION.**

18 **(3) A PARTICIPATING CANDIDATE INVOLVED IN AN**
19 **UNCONTESTED PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE**
20 **APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT**
21 **CANDIDATE UNDER THIS SECTION SO THAT FOR THE GENERAL ELECTION THE**
22 **CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE COMBINED**
23 **EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY**
24 **ELECTION AND FOR THE GENERAL ELECTION.**

25 **(4) A PARTICIPATING CANDIDATE INVOLVED IN A CONTESTED**
26 **PRIMARY ELECTION WHO CHOOSES AN ALTERNATIVE APPORTIONMENT OF THE**
27 **EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE SO THAT FOR THE**
28 **PRIMARY ELECTION THE CANDIDATE RECEIVES MORE THAN 50% OF THE**
29 **COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE**
30 **PRIMARY ELECTION AND FOR THE GENERAL ELECTION IS NOT ELIGIBLE TO**
31 **RECEIVE ANY FURTHER PUBLIC CONTRIBUTION UNDER THIS SECTION IF THE**
32 **CANDIDATE THEREAFTER IS ENGAGED IN AN UNCONTESTED GENERAL**
33 **ELECTION.**

34 **15-111. DISBURSEMENTS BY THE COMPTROLLER.**

35 **(A) (1) (I) BEGINNING ON MAY 1 OF THE YEAR OF THE ELECTION,**
36 **THE STATE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE A**

1 DISBURSEMENT FROM THE FUND TO EACH PARTICIPATING CANDIDATE WHOM
2 THE STATE BOARD AS OF THAT DATE HAS CERTIFIED TO RECEIVE A PUBLIC
3 CONTRIBUTION FOR THE PRIMARY ELECTION.

4 (II) BEFORE THE FILING DEADLINE FOR THE PRIMARY
5 ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE
6 COMPTROLLER MAY NOT MAKE AGGREGATE DISBURSEMENTS TO A
7 PARTICIPATING CANDIDATE THAT EXCEED 15% OF THE EXPENDITURE LIMIT
8 SPECIFIED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION.

9 (2) DURING THE PERIOD FROM MAY 1 OF THE YEAR OF THE
10 ELECTION UNTIL THE FILING DEADLINE FOR CANDIDATES FOR ELECTION TO
11 THE GENERAL ASSEMBLY, IF A PARTICIPATING CANDIDATE WHO WAS
12 UNOPPOSED IS LATER OPPOSED, IN ACCORDANCE WITH § 15-110 OF THIS TITLE,
13 THE STATE BOARD PROMPTLY SHALL AUTHORIZE THE COMPTROLLER TO MAKE
14 A DISTRIBUTION FROM THE FUND TO THE NOW OPPOSED PARTICIPATING
15 CANDIDATE.

16 (3) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC
17 CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES
18 INCURRED FOR THE PRIMARY ELECTION.

19 (4) THE STATE BOARD MAY DIRECT THE COMPTROLLER TO
20 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE
21 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY
22 ELECTION.

23 (5) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A
24 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART
25 OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
26 PRIMARY ELECTION.

27 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE
28 RESULTS OF THE PRIMARY ELECTION, THE STATE BOARD SHALL DIRECT THE
29 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH
30 PARTICIPATING CANDIDATE WHO HAS BEEN CERTIFIED BY THE STATE BOARD
31 TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION.

32 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A
33 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART
34 OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE
35 GENERAL ELECTION.

1 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS
2 ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE
3 GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION IF:

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

6 (2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY
7 ELECTION.

8 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN
9 THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE
10 NO LATER THAN 5 DAYS AFTER THE STATE BOARD DIRECTS THAT THE
11 DISBURSEMENT BE MADE.

12 **15-112. PARTICIPATING CANDIDATE - SUPPLEMENTAL PRIVATE**
13 **CONTRIBUTIONS.**

14 (A) IN ADDITION TO THE PUBLIC CONTRIBUTION AUTHORIZED UNDER
15 THIS TITLE, A PARTICIPATING CANDIDATE MAY RAISE SUPPLEMENTAL PRIVATE
16 CONTRIBUTIONS IF THE PARTICIPATING CANDIDATE IS OPPOSED BY A
17 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
18 ELECTION.

19 (B) (1) THE AGGREGATE AMOUNT OF ALL SUPPLEMENTAL PRIVATE
20 CONTRIBUTIONS THAT A PARTICIPATING CANDIDATE MAY RAISE UNDER THIS
21 SECTION MAY NOT EXCEED \$10,000.

22 (2) THE AGGREGATE AMOUNT OF THE SUPPLEMENTAL PRIVATE
23 CONTRIBUTIONS RECEIVED FROM A CONTRIBUTOR MAY NOT EXCEED \$100.

24 **15-113. EXPENDITURES BY NONPARTICIPATING CANDIDATE IN EXCESS OF**
25 **EXPENDITURE LIMIT FOR PARTICIPATING CANDIDATE.**

26 (A) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES
27 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING
28 CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE
29 THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE
30 CANDIDATE'S EXPENDITURES BIWEEKLY THROUGH AND INCLUDING THE WEEK
31 AFTER THE ELECTION.

32 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
33 THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A
34 NONPARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD WITHIN 48

1 HOURS OF EACH EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR
2 BECOMES OBLIGATED TO MAKE.

3 (B) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES
4 THAT THE STATE BOARD ADOPTS, THE STATE BOARD MAY MAKE AN
5 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE
6 HAS MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

7 15-114. PARTICIPATING CANDIDATE WHO OPTS OUT – RETURN OF PUBLIC
8 MONEY AND PENALTY.

9 AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE STATE
10 BOARD, IF THE CANDIDATE ELECTS TO OPT OUT OF THE SYSTEM OF PUBLIC
11 FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE, THE CANDIDATE
12 SHALL:

13 (1) FILE A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD
14 ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

15 (2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF
16 WITHDRAWAL, REPAY TO THE STATE BOARD FOR REDEPOSIT IN THE FUND THE
17 FULL AMOUNT OF THE MONEY DISBURSED TO THE CANDIDATE BY THE
18 COMPTROLLER, TOGETHER WITH THE INTEREST AND PENALTY PRESCRIBED BY
19 THE STATE BOARD BY REGULATION.

20 15-115. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

21 (A) A PARTICIPATING CANDIDATE MAY NOT ACCEPT A CONTRIBUTION
22 FROM A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY.

23 (B) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL
24 PARTY FROM USING ITS FUNDS FOR EXPENSES FOR:

25 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL
26 PARTY;

27 (2) A POLITICAL PARTY CONVENTION;

28 (3) NOMINATING AND ENDORSING CANDIDATES;

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

31 (5) PARTY PLATFORM ACTIVITIES;

1 **(6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT**
2 **CANDIDATE-SPECIFIC;**

3 **(7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT**
4 **CANDIDATE-SPECIFIC;**

5 **(8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE**
6 **POLITICAL PARTY WHO ARE NOT CANDIDATES; OR**

7 **(9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT**
8 **CANDIDATE-SPECIFIC.**

9 **15-116. JUDICIAL REVIEW.**

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

14 **(B) A PETITION TO REVIEW AN ACTION OF THE STATE BOARD UNDER**
15 **THIS SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE STATE BOARD**
16 **ACTS.**

17 **15-117. PENALTIES.**

18 **(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR**
19 **INTENTIONALLY:**

20 **(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT**
21 **ENTITLED;**

22 **(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER**
23 **THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR**

24 **(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE**
25 **FUND.**

26 **(B) IF THE STATE BOARD DETERMINES THAT A PARTICIPATING**
27 **CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR**
28 **MADE AN EXPENDITURE THAT EXCEEDS CONTRIBUTION OR EXPENDITURE**
29 **LIMITS SPECIFIED UNDER THIS TITLE OR FAILED TO DISCLOSE THE**
30 **CONTRIBUTION OR EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY**

1 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
2 EXCEEDING \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

3 (C) IN THE DISCRETION OF THE STATE BOARD, AN INDIVIDUAL WHO
4 VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A
5 PARTICIPATING CANDIDATE UNDER THIS TITLE.

6 (D) (1) A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY
7 PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION
8 ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE STATE BOARD.

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

14 15-118. SHORT TITLE.

15 THIS TITLE MAY BE CITED AS THE PUBLIC FUNDING AND SMALL DONOR
16 ACT FOR GENERAL ASSEMBLY ELECTIONS.

17 SECTION 3. AND BE IT FURTHER ENACTED, That:

18 (a) There is a Commission to Study Public Financing of Elections in
19 Maryland.

20 (b) The Commission shall consist of the following 10 members:

21 (1) One member of the Senate of Maryland, appointed by the
22 President of the Senate;

23 (2) One member of the House of Delegates, appointed by the Speaker
24 of the House;

25 (3) Six individuals appointed by the Governor, including:

26 (i) A member of the State Board of Elections;

27 (ii) A member of the State Ethics Commission; and

28 (iii) Four representatives of statewide organizations concerned
29 with campaign finance practices, fair elections, and ethics in government;

30 (4) One representative appointed by the chair of the Maryland State
31 Democratic Party Central Committee; and

1 (5) One representative appointed by the chair of the Maryland State
2 Republican Party Central Committee.

3 (c) The Governor shall designate the chair of the Commission.

4 (d) The State Board of Elections and the State Ethics Commission shall
5 provide staff for the Commission.

6 (e) A member of the Commission:

7 (1) May not receive compensation as a member of the Commission; but

8 (2) Is entitled to reimbursement for expenses under the Standard
9 State Travel Regulations, as provided in the State budget.

10 (f) The Commission shall:

11 (1) Convene following the November 2014 general election;

12 (2) Receive testimony as the Commission considers appropriate; and

13 (3) On or before December 31, 2015, report its findings and
14 recommendations, including any proposed statutory changes to the Maryland election
15 laws, to the Governor, and, subject to § 2–1246 of the State Government Article, the
16 General Assembly concerning:

17 (i) Information relating to the practice of public funding of
18 election campaigns in other jurisdictions in the United States;

19 (ii) The need for additional disclosure of campaign contributions
20 or expenditures under this Act;

21 (iii) The effect and role of independent expenditures under this
22 Act;

23 (iv) Whether participating candidates under this Act should
24 receive a supplemental distribution from the Public Election Fund to match
25 independent expenditures that are made on behalf of an opposing candidate or against
26 a participating candidate;

27 (v) The effectiveness of the regulations, guidelines, and policies
28 established by the State Board of Elections governing the disclosure and reporting of
29 contributions and expenditures by participating candidates and nonparticipating
30 candidates in accordance with this Act;

31 (vi) Funding sources that the General Assembly should consider
32 for the purposes of this Act; and

1 (vii) Any other matter the Commission determines to be
2 appropriate.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, on termination of the
4 Public Financing Act under Title 15 of the Election Law Article, as enacted by Section
5 1 of this Act, the Comptroller shall:

6 (a) Preserve and maintain the money in the Fair Campaign Financing Fund
7 for gubernatorial candidates under that Act on July 1, 2011, the effective date of the
8 termination; and

9 (b) Transfer that money, together with accrued interest, on July 1, 2011, to
10 the Public Election Fund under the Public Funding and Small Donor Act for General
11 Assembly Elections established under Title 15 of the Election Law Article, as enacted
12 by Section 2 of this Act.

13 SECTION 5. AND BE IT FURTHER ENACTED, That the captions contained in
14 this Act are not law and may not be considered to have been enacted as part of this
15 Act.

16 SECTION 6. 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 7. AND BE IT FURTHER ENACTED, That the State Board of
23 Elections shall undertake actions, as required to manage and supervise the system of
24 public financing of elections for General Assembly candidates established under Title
25 15 of the Election Law Article, as enacted by Section 2 of this Act, to include the
26 development and adoption on or before October 1, 2011, of comprehensive regulations
27 to implement the purposes of this Act, as required under § 15-102 of the Election Law
28 Article as enacted by Section 2 of this Act.

29 SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
30 take effect July 1, 2014. It shall remain effective for a period of 2 years and, at the end
31 of June 30, 2016, with no further action required by the General Assembly, Section 3
32 of this Act shall be abrogated and of no further force and effect.

33 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in
34 Section 8 of this Act, this Act shall take effect July 1, 2011.