

# HOUSE BILL 1401

G1, Q3

4lr3214

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By: **Delegate Luedtke**

Introduced and read first time: February 12, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Fair Campaign Financing Fund – Income Tax Checkoff**

3 FOR the purpose of establishing a checkoff on the individual income tax return  
4 through which certain individuals may make a contribution to the Fair  
5 Campaign Financing Fund; requiring the Comptroller to take certain actions to  
6 administer the checkoff; and generally relating to allowing individuals to  
7 contribute to the Fair Campaign Financing Fund through a checkoff on the  
8 individual income tax return.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 15–103  
12 Annotated Code of Maryland  
13 (2010 Replacement Volume and 2013 Supplement)

14 BY adding to  
15 Article – Tax – General  
16 Section 2–114  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2013 Supplement)

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

21 **Article – Election Law**

22 15–103.

23 (a) There is a Fair Campaign Financing Fund.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Comptroller shall administer the Fund in accordance with this  
2 section.

3 (c) In accordance with this title, the Comptroller shall:

4 (1) credit to the Fund:

5 (I) all money collected under this title; AND

6 (II) CONTRIBUTIONS TO THE FUND MADE THROUGH THE  
7 CHECKOFF ON THE INDIVIDUAL INCOME TAX RETURN ESTABLISHED UNDER §  
8 2-114 OF THE TAX – GENERAL ARTICLE;

9 (2) subject to the usual investing procedures for State funds, invest  
10 the money in the Fund; and

11 (3) make distributions from the Fund promptly on authorization by  
12 the State Board.

13 (d) The Comptroller shall distribute public contributions:

14 (1) only on authorization of the State Board; and

15 (2) as to each eligible gubernatorial ticket, to the same campaign  
16 account of a single campaign finance entity established under Title 13, Subtitle 2 of  
17 this article.

18 (e) The Comptroller shall submit a statement of the Fund's balance to the  
19 State Board at the State Board's request and on May 15 of each year.

20 **Article – Tax – General**

21 **2-114.**

22 (A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL  
23 INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “FAIR CAMPAIGN  
24 FINANCING FUND CONTRIBUTION”.

25 (2) THE CHECKOFF SHALL STATE THAT:

26 (I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A  
27 JOINT RETURN, MAY CONTRIBUTE TO THE FAIR CAMPAIGN FINANCING FUND  
28 THE AMOUNT DESIGNATED BY THE INDIVIDUAL IF THE INDIVIDUAL OR EACH  
29 SPOUSE IS A UNITED STATES CITIZEN OR ADMITTED FOR PERMANENT LEGAL  
30 RESIDENCE IN THE UNITED STATES; AND

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

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

7                   **(3) THE COMPTROLLER SHALL INCLUDE, WITH THE INDIVIDUAL**  
8 **INCOME TAX RETURN PACKAGE, A DESCRIPTION OF THE PURPOSES FOR WHICH**  
9 **THE FAIR CAMPAIGN FINANCING FUND WAS ESTABLISHED AND THE PURPOSES**  
10 **FOR WHICH THE FUND MAY BE USED.**

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

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

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

17                   **(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS**  
18 **SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER**  
19 **THIS SUBSECTION TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED**  
20 **UNDER § 15-103 OF THE ELECTION LAW ARTICLE.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2014.