

# SENATE BILL 374

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SB 832/17 – EHE

8lr1472

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By: **Senators Pinsky, Ferguson, Madaleno, and Smith**  
Introduced and read first time: January 25, 2018  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a system of public financing of campaigns for certain  
4 General Assembly candidates; requiring the State Board of Elections to administer  
5 the system of public financing for General Assembly candidates; specifying certain  
6 powers and duties of the State Board; requiring the Comptroller to credit to the Fair  
7 Campaign Financing Fund money collected under certain provisions of this Act and  
8 to distribute public contributions to the campaign finance entities of certain  
9 candidates for election to the General Assembly; repealing a certain provision of law  
10 regarding distributions from the Fund; requiring the State Board to transfer to the  
11 Comptroller for the purposes of a certain fund certain money, contributions, fines,  
12 and donations; defining certain terms; specifying certain procedures, requirements,  
13 and conditions participating candidates must meet to receive a distribution from the  
14 Fund; requiring that participating candidates adhere to certain campaign  
15 expenditure limits; authorizing participating candidates to raise certain  
16 supplemental private contributions under certain circumstances; prohibiting a  
17 participating candidate from being a member of a slate; prohibiting a participating  
18 candidate from accepting a contribution from a political party; requiring a  
19 participating candidate who opts out of public financing to repay the full amount of  
20 the public contribution received by the candidate and pay a certain penalty;  
21 providing for judicial review of certain actions by the State Board, subject to a certain  
22 exception; providing for certain penalties; providing that certain captions are not law  
23 and may not be considered to have been enacted as part of this Act; requiring the  
24 State Board to adopt certain regulations; making the provisions of this Act severable;  
25 creating a Commission to Study Public Financing of Elections in Maryland;  
26 providing for the membership, duties, and staffing of the Commission; requiring the  
27 Commission to report its findings and recommendations to the Governor and the  
28 General Assembly on or before a certain date; requiring the State Board to provide  
29 certain reports to certain persons on or before certain dates on certain matters;  
30 providing for the termination of certain provisions of this Act; and generally relating  
31 to the Public Funding and Small Donor Act for General Assembly Elections.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing  
 2 Article – Election Law  
 3 Section 15–106  
 4 Annotated Code of Maryland  
 5 (2017 Replacement Volume and 2017 Supplement)
- 6 BY repealing and reenacting, with amendments,  
 7 Article – Election Law  
 8 Section 13–235 and 15–103  
 9 Annotated Code of Maryland  
 10 (2017 Replacement Volume and 2017 Supplement)
- 11 BY adding to  
 12 Article – Election Law  
 13 Section 15.5–101 through 15.5–118 to be under the new title “Title 15.5. Public  
 14 Funding and Small Donor Act for General Assembly Elections”  
 15 Annotated Code of Maryland  
 16 (2017 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 18 That Section(s) 15–106 of Article – Election Law of the Annotated Code of Maryland be  
 19 repealed.

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

22 **Article – Election Law**

23 13–235.

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

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

30 (b) Except as provided in subsection (c), (d), [or] (e), **OR (F)** of this section, during  
 31 a regular session of the General Assembly an official described in subsection (a) of this  
 32 section, or a person acting on behalf of the official, may not, as to a candidate for federal,  
 33 State, or local office, or a campaign finance entity of the candidate or any other campaign

1 finance entity organized under this title and operated in coordination with a candidate:

2 (1) receive a contribution;

3 (2) conduct a fund-raising event;

4 (3) solicit a contribution; or

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

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

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

14 **(E) UNDER THE PUBLIC FUNDING AND SMALL DONOR ACT FOR GENERAL**  
15 **ASSEMBLY ELECTIONS, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE**  
16 **ELECTION ONLY, MAY ACCEPT SEED MONEY AND QUALIFYING CONTRIBUTIONS AND**  
17 **ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT ARE BASED ON THE**  
18 **QUALIFYING CONTRIBUTIONS.**

19 **[(e)] (F)** An official described in subsection (a) of this section, or a person acting  
20 on behalf of the official, may deposit a contribution during the legislative session if the  
21 contribution was made electronically before the start of the session.

22 **[(f)] (G)** (1) As to a violation of this section, the campaign finance entity of  
23 the official in violation is liable for a civil penalty as provided in § 13-604.1 of this title.

24 (2) A civil penalty imposed under this subsection shall be distributed to the  
25 Fair Campaign Financing Fund established under § 15-103 of this article.

26 15-103.

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

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

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

30 (1) credit to the Fund:

1 (i) all money collected under this title **AND TITLE 15.5 OF THIS**  
2 **ARTICLE;**

3 (ii) voluntary contributions to the Fund made electronically through  
4 the State Board's Web site;

5 (iii) fees, fines, and penalties assessed under this article or the  
6 General Provisions Article that are expressly allocated to the Fund by law;

7 (iv) an anonymous contribution paid to the Fund under § 13–239 of  
8 this article;

9 (v) surplus campaign funds paid to the Fund under § 13–247 of this  
10 article; and

11 (vi) contributions to the Fund made through the checkoff on the  
12 individual income tax return established under § 2–113.1 of the Tax – General Article;

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

15 (3) make distributions from the Fund promptly on authorization by the  
16 State Board.

17 (d) The Comptroller shall distribute public contributions:

18 (1) only on authorization of the State Board; [and]

19 (2) as to each eligible gubernatorial ticket, to the same campaign account  
20 of a single campaign finance entity established under Title 13, Subtitle 2 of this article;  
21 **AND**

22 **(3) AS TO EACH PARTICIPATING CANDIDATE RECEIVING PUBLIC**  
23 **CONTRIBUTIONS UNDER TITLE 15.5 OF THIS ARTICLE, TO THE PUBLICLY FUNDED**  
24 **CAMPAIGN ACCOUNT OF THE CAMPAIGN FINANCE ENTITY ESTABLISHED UNDER**  
25 **TITLE 13, SUBTITLE 2 OF THIS ARTICLE FOR THE CANDIDATE.**

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

28 (f) To pay costs directly related to the administration of this title, the State Board  
29 may expend in each fiscal year an amount of money in the Fund that does not exceed the  
30 lesser of:

31 (1) 3% of the Fund's balance, as calculated on the last day of the  
32 immediately preceding fiscal year; or

1           (2)    \$100,000.

2           **(G) THE STATE BOARD SHALL ADOPT REGULATIONS REGARDING THE**  
3 **DISTRIBUTION OF PUBLIC CONTRIBUTIONS FROM THE FUND TO ELIGIBLE**  
4 **GUBERNATORIAL TICKETS UNDER THIS TITLE AND TO PARTICIPATING CANDIDATES**  
5 **FOR ELECTION TO THE GENERAL ASSEMBLY UNDER TITLE 15.5 OF THIS ARTICLE**  
6 **ON A FIRST-COME, FIRST-SERVED BASIS.**

7           **TITLE 15.5. PUBLIC FUNDING AND SMALL DONOR ACT FOR GENERAL ASSEMBLY**  
8 **ELECTIONS.**

9           **15.5-101. DEFINITIONS.**

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

12           **(B) “COMPTROLLER” MEANS THE STATE COMPTROLLER OF THE**  
13 **TREASURY.**

14           **(C) “FUND” MEANS THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED**  
15 **UNDER § 15-103 OF THIS ARTICLE.**

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

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

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

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

26                   **(2) IS AT LEAST \$5.**

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

28                   **(1) ARE RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL**  
29 **ASSEMBLY AS A FIRST STEP TO SEEK QUALIFICATION FOR PUBLIC FINANCING**  
30 **UNDER THIS TITLE;**

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

3           **(3) ARE RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE**  
4 **ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE**  
5 **A CANDIDATE AND NO LATER THAN MARCH 1 IMMEDIATELY PRECEDING THE**  
6 **PRIMARY ELECTION FOR THAT OFFICE.**

7 **15.5-102. DUTIES.**

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

10           **(B) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO**  
11 **EFFECT THE PURPOSES OF THIS TITLE.**

12           **(C) THE STATE BOARD SHALL:**

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

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

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

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

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

24                   **(I) CONTRIBUTIONS TO AND EXPENDITURES BY**  
25 **PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED**  
26 **CAMPAIGN FINANCE ENTITIES; AND**

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

29           **(3) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY TO**

1 ENSURE COMPLIANCE WITH THIS TITLE;

2 (4) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES  
3 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES  
4 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS TITLE; AND

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

8 (I) AN EVALUATION OF THIS TITLE AND THE TITLE'S EFFECT ON  
9 PARTICIPATING CANDIDATES;

10 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

11 (III) A DETAILED SUMMARY REGARDING QUALIFYING  
12 CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY  
13 PARTICIPATING CANDIDATES;

14 (IV) EXPENDITURES MADE BY PARTICIPATING AND  
15 NONPARTICIPATING CANDIDATES; AND

16 (V) ANY OTHER INFORMATION THE STATE BOARD DETERMINES  
17 TO BE APPROPRIATE.

18 **15.5-103. DISCRETIONARY POWERS.**

19 **THE STATE BOARD MAY:**

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

22 (2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;

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

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

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

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

3           **(7) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS**  
4 **TITLE;**

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

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

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

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

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

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

16 **15.5–104. TRANSFER OF FUNDS TO THE FAIR CAMPAIGN FINANCING FUND.**

17           **THE STATE BOARD SHALL TRANSFER TO THE COMPTROLLER FOR THE**  
18 **PURPOSES OF THE FUND UNDER § 15–103 OF THIS ARTICLE:**

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

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

24                   **(3) QUALIFYING CONTRIBUTIONS REQUIRED OF A CANDIDATE WHO**  
25 **SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, INCLUDING**  
26 **QUALIFYING CONTRIBUTIONS IN EXCESS OF THE AMOUNT PRESCRIBED UNDER §**  
27 **15.5–106 OF THIS TITLE THAT ARE RAISED BY THE CANDIDATE;**

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



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

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

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

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

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

11 **15.5–105. SEED MONEY; PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED.**

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

14           **(1) FILE NOTICE OF THE CANDIDATE’S INTENT WITH THE STATE**  
15 **BOARD NO LATER THAN FEBRUARY 15 OF THE YEAR OF THE ELECTION ON THE**  
16 **FORM PRESCRIBED BY THE STATE BOARD; AND**

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

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

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

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

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

30           **(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM**

1 THE CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER CONTRIBUTED  
2 AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION.

3 (C) A CANDIDATE SHALL REMIT TO THE FUND ANY SEED MONEY RAISED BY  
4 THE CANDIDATE IN EXCESS OF:

5 (1) \$3,500, IF A CANDIDATE FOR THE SENATE OF MARYLAND; OR

6 (2) \$3,500, IF A CANDIDATE FOR THE HOUSE OF DELEGATES.

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

11 **15.5-106. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.**

12 (A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A  
13 PUBLIC CONTRIBUTION FROM THE FUND:

14 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND  
15 SHALL COLLECT AT LEAST 350 QUALIFYING CONTRIBUTIONS; OR

16 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES  
17 SHALL COLLECT AT LEAST 350 QUALIFYING CONTRIBUTIONS.

18 (B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

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

21 (2) ALLOW FOR ANY CONTRIBUTION OR QUALIFYING CONTRIBUTION  
22 UNDER THIS SECTION TO BE MADE THROUGH THE INTERNET.

23 (C) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE  
24 SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN THE CANDIDATE'S  
25 PUBLICLY FUNDED CAMPAIGN ACCOUNT AND THEREAFTER DELIVER THE AMOUNT  
26 RECEIVED TO THE STATE BOARD FOR DEPOSIT IN THE FUND.

27 (D) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION FOR A  
28 CANDIDATE BY CASH, CHECK, OR MONEY ORDER MADE PAYABLE TO THE FUND OR  
29 THROUGH THE INTERNET IN ACCORDANCE WITH THE REGULATIONS OF THE STATE  
30 BOARD.

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

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

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

6                   **(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS**  
7 **THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND**  
8 **THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.**

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

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

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

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

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

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

18                   **(3) A REGULATED LOBBYIST;**

19                   **(4) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;**

20                   **(5) A POLITICAL ACTION COMMITTEE; OR**

21                   **(6) ANY OTHER POLITICAL COMMITTEE.**

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

26           **(I) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS GOVERNING**  
27 **QUALIFYING CONTRIBUTIONS PRESCRIBED UNDER REGULATIONS ADOPTED BY THE**

1 STATE BOARD.

2 **15.5–107. QUALIFICATION OF CANDIDATE — DETERMINATION BY STATE BOARD.**

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

7 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE  
8 REGULATIONS AND POLICIES PRESCRIBED BY THE STATE BOARD; AND

9 (2) A CAMPAIGN FINANCE REPORT THAT STATES, IN ADDITION TO THE  
10 LIST OF QUALIFYING CONTRIBUTIONS REQUIRED UNDER § 15.5–106 OF THIS TITLE:

11 (I) ALL EXPENDITURES MADE BY THE CANDIDATE DURING THE  
12 CAMPAIGN; AND

13 (II) ALL RECEIPTS ASSOCIATED WITH THOSE CONTRIBUTIONS  
14 AND EXPENDITURES.

15 (B) A CANDIDATE CERTIFIED BY THE STATE BOARD AS A PARTICIPATING  
16 CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION SPECIFIED UNDER THIS  
17 TITLE FOR THAT LEGISLATIVE OFFICE.

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

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

23 (1) IS FINAL; AND

24 (2) IS NOT SUBJECT TO JUDICIAL REVIEW.

25 **15.5–108. DISTRIBUTION TO PARTICIPATING CANDIDATE’S PUBLICLY FUNDED**  
26 **CAMPAIGN ACCOUNT.**

27 (A) SUBJECT TO THE REGULATIONS ADOPTED BY THE STATE BOARD  
28 UNDER § 15–103(G) OF THIS ARTICLE, AFTER THE STATE BOARD DETERMINES THAT  
29 A CANDIDATE HAS SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING  
30 CANDIDATE, THE STATE BOARD SHALL AUTHORIZE THE DISBURSEMENT OF A

1 PUBLIC CONTRIBUTION FROM THE FUND TO THE PUBLICLY FUNDED CAMPAIGN  
2 ACCOUNT FOR THAT PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE  
3 REQUIREMENTS OF THIS TITLE.

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

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

11 (D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE  
12 ENTITY FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED  
13 CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.

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

17 (3) IN ACCORDANCE WITH THE STATE BOARD REGULATIONS AND  
18 GUIDELINES, THE STATE BOARD MAY TERMINATE A PARTICIPATING CANDIDATE'S  
19 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

20 **15.5-109. PARTICIPATING CANDIDATE — JOINING A SLATE PROHIBITED.**

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

23 **15.5-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE**  
24 **GENERAL ASSEMBLY.**

25 (A) IN THIS SECTION, AN "UNCONTESTED" ELECTION MEANS AN ELECTION  
26 IN WHICH:

27 (1) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION FOR  
28 OR ELECTION TO AN OFFICE; OR

29 (2) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR  
30 NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE SAME  
31 CATEGORY EQUALS THE NUMBER OF OFFICES.

1 (B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF  
 2 MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF  
 3 THE LIMITS SPECIFIED IN THIS SUBSECTION.

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

7 (C) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF  
 8 DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF  
 9 THE LIMITS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
10 CONTESTED HOUSE			
11 (THREE MEMBER)	\$50,000	\$50,000	\$100,000
12 (TWO MEMBER)	35,000	35,000	70,000
14 (SINGLE MEMBER)	20,000	20,000	40,000
15 UNCONTESTED HOUSE			
16 (THREE MEMBER)	\$8,000	\$4,000	\$12,000
17 (TWO MEMBER)	6,000	3,500	9,500
18 (SINGLE MEMBER)	5,000	3,000	8,000

19 (D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR  
 20 ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO  
 21 IS ENGAGED IN:

22 (I) A CONTESTED PRIMARY ELECTION AND A CONTESTED  
 23 GENERAL ELECTION; OR

24 (II) AN UNCONTESTED PRIMARY ELECTION.

25 (2) A PARTICIPATING CANDIDATE WHO IS INVOLVED IN A CONTESTED  
 26 PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY CHOOSE AN  
 27 ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR  
 28 THAT CANDIDATE UNDER THIS SECTION SO THAT:

29 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY  
 30 RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT  
 31 EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT  
 32 CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

33 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR THE

1 GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF  
2 AND EXPEND THE BALANCE OF THE COMBINED EXPENDITURE LIMIT AUTHORIZED  
3 FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL  
4 ELECTION.

5 (3) A PARTICIPATING CANDIDATE INVOLVED IN AN UNCONTESTED  
6 PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE  
7 EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO  
8 THAT, FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE NO MORE THAN  
9 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE  
10 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

11 (4) A PARTICIPATING CANDIDATE INVOLVED IN A CONTESTED  
12 PRIMARY ELECTION WHO CHOOSES AN ALTERNATIVE APPORTIONMENT OF THE  
13 EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE SO THAT, FOR THE  
14 PRIMARY ELECTION, THE CANDIDATE RECEIVES MORE THAN 50% OF THE COMBINED  
15 EXPENDITURE LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY  
16 ELECTION AND FOR THE GENERAL ELECTION IS NOT ELIGIBLE TO RECEIVE ANY  
17 FURTHER PUBLIC CONTRIBUTION UNDER THIS SECTION IF THE CANDIDATE  
18 THEREAFTER IS ENGAGED IN AN UNCONTESTED GENERAL ELECTION.

19 15.5-111. DISBURSEMENTS BY THE COMPTROLLER.

20 (A) (1) (I) BEGINNING ON MARCH 1 OF THE YEAR OF THE ELECTION,  
21 THE STATE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE A  
22 DISBURSEMENT FROM THE FUND TO EACH PARTICIPATING CANDIDATE WHOM THE  
23 STATE BOARD AS OF THAT DATE HAS CERTIFIED TO RECEIVE A PUBLIC  
24 CONTRIBUTION FOR THE PRIMARY ELECTION.

25 (II) BEFORE THE FILING DEADLINE FOR THE PRIMARY  
26 ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE COMPTROLLER  
27 MAY NOT MAKE AGGREGATE DISBURSEMENTS TO A PARTICIPATING CANDIDATE  
28 THAT EXCEED 15% OF THE EXPENDITURE LIMIT SPECIFIED FOR THAT CANDIDATE  
29 FOR THE PRIMARY ELECTION.

30 (2) DURING THE PERIOD FROM MARCH 1 OF THE YEAR OF THE  
31 ELECTION UNTIL THE FILING DEADLINE FOR CANDIDATES FOR ELECTION TO THE  
32 GENERAL ASSEMBLY, IF A PARTICIPATING CANDIDATE WHO WAS UNOPPOSED IS  
33 LATER OPPOSED, IN ACCORDANCE WITH § 15.5-110 OF THIS TITLE, THE STATE  
34 BOARD PROMPTLY SHALL AUTHORIZE THE COMPTROLLER TO MAKE A  
35 DISTRIBUTION FROM THE FUND TO THE NOW OPPOSED PARTICIPATING CANDIDATE.

36 (3) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC

1 CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES  
2 INCURRED FOR THE PRIMARY ELECTION.

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

6 (5) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A  
7 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF  
8 THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE  
9 PRIMARY ELECTION.

10 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE  
11 RESULTS OF THE PRIMARY ELECTION, THE STATE BOARD SHALL DIRECT THE  
12 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING  
13 CANDIDATE WHO HAS BEEN CERTIFIED BY THE STATE BOARD TO RECEIVE A PUBLIC  
14 CONTRIBUTION FOR THE GENERAL ELECTION.

15 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A  
16 PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF  
17 THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE  
18 GENERAL ELECTION.

19 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS ELIGIBLE TO  
20 RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION  
21 AFTER MARCH 1 OF THE YEAR OF THE ELECTION IF:

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

24 (2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY  
25 ELECTION.

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

30 15.5-112. PARTICIPATING CANDIDATE — SUPPLEMENTAL PRIVATE  
31 CONTRIBUTIONS.

32 (A) IN ADDITION TO THE PUBLIC CONTRIBUTION AUTHORIZED UNDER THIS  
33 TITLE, A PARTICIPATING CANDIDATE MAY RAISE SUPPLEMENTAL PRIVATE



1 CONTRIBUTIONS IF THE PARTICIPATING CANDIDATE IS OPPOSED BY A  
2 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL  
3 ELECTION.

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

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

9 15.5-113. EXPENDITURES BY NONPARTICIPATING CANDIDATE IN EXCESS OF  
10 EXPENDITURE LIMIT FOR PARTICIPATING CANDIDATE.

11 (A) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES  
12 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING  
13 CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER  
14 SHALL FILE A BIWEEKLY CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S  
15 EXPENDITURES THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

16 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS  
17 SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A  
18 NONPARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD WITHIN 48  
19 HOURS OF EACH EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR  
20 BECOMES OBLIGATED TO MAKE.

21 (B) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT  
22 THE STATE BOARD ADOPTS, THE STATE BOARD MAY MAKE AN INDEPENDENT  
23 DETERMINATION AS TO WHETHER A NONPARTICIPATING CANDIDATE HAS MADE AN  
24 EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

25 15.5-114. PARTICIPATING CANDIDATE WHO OPTS OUT — RETURN OF PUBLIC  
26 MONEY AND PENALTY.

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

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

33 (2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF

1 WITHDRAWAL, REPAY TO THE STATE BOARD FOR REDEPOSIT IN THE FUND THE  
2 FULL AMOUNT OF THE MONEY DISBURSED TO THE CANDIDATE BY THE  
3 COMPTROLLER, TOGETHER WITH THE INTEREST AND PENALTY PRESCRIBED BY THE  
4 STATE BOARD BY REGULATION.

5 **15.5–115. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.**

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

8 (B) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY  
9 FROM USING THE PARTY’S FUNDS FOR EXPENSES FOR:

- 10 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;
- 11 (2) A POLITICAL PARTY CONVENTION;
- 12 (3) NOMINATING AND ENDORSING CANDIDATES;
- 13 (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY’S  
14 POSITIONS ON ISSUES;
- 15 (5) PARTY PLATFORM ACTIVITIES;
- 16 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT  
17 CANDIDATE-SPECIFIC;
- 18 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT  
19 CANDIDATE-SPECIFIC;
- 20 (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL  
21 PARTY WHO ARE NOT CANDIDATES; OR
- 22 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT  
23 CANDIDATE-SPECIFIC.

24 **15.5–116. JUDICIAL REVIEW.**

25 (A) EXCEPT AS PROVIDED UNDER § 15.5–107(D) OF THIS TITLE, AN ACTION  
26 OF THE STATE BOARD UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT  
27 IN ACCORDANCE WITH § 10–222(C) OF THE STATE GOVERNMENT ARTICLE.

28 (B) A PETITION TO REVIEW AN ACTION OF THE STATE BOARD UNDER THIS

1 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE STATE BOARD ACTS.

2 **15.5–117. PENALTIES.**

3 (A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR  
4 INTENTIONALLY:

5 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT  
6 ENTITLED;

7 (2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN  
8 THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

9 (3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

10 (B) IF THE STATE BOARD DETERMINES THAT A PARTICIPATING CANDIDATE  
11 KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE AN  
12 EXPENDITURE THAT EXCEEDS CONTRIBUTION OR EXPENDITURE LIMITS SPECIFIED  
13 UNDER THIS TITLE OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE,  
14 THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON  
15 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500 OR IMPRISONMENT FOR  
16 NOT MORE THAN 1 YEAR OR BOTH.

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

20 (D) (1) A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY PROVIDE  
21 FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION ABOUT A  
22 CONTRIBUTION OR AN EXPENDITURE FROM THE STATE BOARD.

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

28 **15.5–118. SHORT TITLE.**

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

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

- 1 (a) There is a Commission to Study Public Financing of Elections in Maryland.
- 2 (b) The Commission shall consist of the following 10 members:
- 3 (1) One member of the Senate of Maryland, appointed by the President of  
4 the Senate;
- 5 (2) One member of the House of Delegates, appointed by the Speaker of the  
6 House;
- 7 (3) Six individuals appointed by the Governor, including:
- 8 (i) A member of the State Board of Elections;
- 9 (ii) A member of the State Ethics Commission; and
- 10 (iii) Four representatives of statewide organizations concerned with  
11 campaign finance practices, fair elections, and ethics in government;
- 12 (4) One representative appointed by the chair of the Maryland State  
13 Democratic Party Central Committee; and
- 14 (5) One representative appointed by the chair of the Maryland State  
15 Republican Party Central Committee.
- 16 (c) The Governor shall designate the chair of the Commission.
- 17 (d) The State Board of Elections and the State Ethics Commission shall provide  
18 staff for the Commission.
- 19 (e) A member of the Commission:
- 20 (1) May not receive compensation as a member of the Commission; but
- 21 (2) Is entitled to reimbursement for expenses under the Standard State  
22 Travel Regulations, as provided in the State budget.
- 23 (f) The Commission shall:
- 24 (1) Receive testimony as the Commission considers appropriate; and
- 25 (2) On or before December 31, 2020, report its findings and  
26 recommendations, including any proposed statutory changes to the Maryland election laws,  
27 to the Governor and, subject to § 2-1246 of the State Government Article, the General  
28 Assembly concerning:
- 29 (i) Information relating to the practice of public funding of election

1 campaigns in other jurisdictions in the United States;

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

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

5 (iv) The effectiveness of the regulations, guidelines, and policies  
6 established by the State Board of Elections governing the disclosure and reporting of  
7 contributions and expenditures by participating candidates and nonparticipating  
8 candidates in accordance with this Act;

9 (v) Funding sources that the General Assembly should consider for  
10 the purposes of this Act; and

11 (vi) Any other matter the Commission determines to be appropriate.

12 SECTION 4. AND BE IT FURTHER ENACTED, That the captions contained in this  
13 Act are not law and may not be considered to have been enacted as part of this Act.

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

19 SECTION 6. AND BE IT FURTHER ENACTED, That the State Board of Elections  
20 shall undertake actions as required to manage and supervise the system of public financing  
21 of elections for General Assembly candidates established under Title 15.5 of the Election  
22 Law Article, as enacted by Section 2 of this Act, to include the development and adoption  
23 on or before October 1, 2018, of comprehensive regulations to implement the purposes of  
24 this Act, as required under § 15.5–102 of the Election Law Article, as enacted by Section 2  
25 of this Act.

26 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
27 1, 2018. Section 3 of this Act shall remain effective for a period of 2 years and 1 month and,  
28 at the end of June 30, 2020, Section 3 of this Act, with no further action required by the  
29 General Assembly, shall be abrogated and of no further force and effect.