

# SENATE BILL 298

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SB 535/19 – EHE

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CF HB 337

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By: **Senators Lam, Beidle, Carter, Feldman, Patterson, Rosapepe, and Washington**

Introduced and read first time: January 22, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2020

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

1 AN ACT concerning

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

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

14 BY repealing and reenacting, with amendments,  
15 Article – Election Law  
16 Section 13–505  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2019 Supplement)

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

21 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 13-505.

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

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

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

9 (2) When establishing a system of public campaign financing for [elective  
10 offices in the executive or legislative branches of county government] **AN OFFICE UNDER**  
11 **PARAGRAPH (1) OF THIS SUBSECTION**, the governing body of a county shall:

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

14 (ii) provide the funding and staff necessary for the operation,  
15 administration, and auditing of the system of campaign financing.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (8) shall be subject to regulation and oversight by the State Board to ensure  
14 conformity with State law and policy to the extent practicable.

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

23 **[(c)] (D)** A system of public campaign financing enacted under subsection (a) of this  
24 section may:

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

28 (2) provide for administrative penalties for violations, in accordance with §  
29 10–202 of the Local Government Article.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2020.