

SENATE BILL 632

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11r2095
CF HB 761

By: **Senator Kagan**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Contested Elections**

3 FOR the purpose of prohibiting certain candidates from petitioning for a recount under
4 certain circumstances; prohibiting a registered voter from filing a petition for a
5 recount based on the certified results of a ballot question under certain
6 circumstances; altering the circumstances under which a certain petitioner for a
7 recount is not liable for the costs of the recount; providing that certain provisions of
8 this Act apply only to persons that accept public campaign financing under certain
9 provisions of law; providing that a person may accept a donation or make a
10 disbursement related to a contested election only if the person establishes a
11 contested election committee and makes certain disclosures; authorizing a person to
12 establish a contested election committee at any time by filing a certain statement of
13 organization with the State Board of Elections; requiring a contested election
14 committee to deposit all donations in and make all disbursements from a designated
15 bank account; requiring that disbursements of a contested election committee pass
16 through the hands of the treasurer and be in accordance with the purposes of the
17 entity; ~~establishing a certain limit on the aggregate amount of donations a person~~
18 ~~may make to a contested election committee in an election year; establishing a~~
19 ~~certain limit on the aggregate amount of transfers a campaign finance entity may~~
20 ~~make to a contested election committee in an election year; providing that donations~~
21 ~~or transfers to a contested election committee established to contest a ballot question~~
22 ~~election are not subject to certain limits; providing that donations from the personal~~
23 ~~funds of a candidate or the candidate's spouse to a certain contested election~~
24 ~~committee are not subject to certain limits; prohibiting certain persons from~~
25 soliciting or accepting donations on behalf of a contested election committee in excess

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 of certain contribution limits; prohibiting a contested election committee from
2 accepting a loan other than a loan from certain sources; providing that certain loans
3 may be of any amount; requiring the treasurer of a contested election committee to
4 maintain certain records; requiring a contested election committee to retain the
5 records for a certain period of time; requiring the treasurer of a contested election
6 committee to file certain reports with the State Board in a certain manner; requiring
7 the State Board to make certain reports publicly available on the Internet; requiring
8 that a report filed by a treasurer of a contested election committee include certain
9 information; requiring the treasurer of a contested election committee to file a report
10 on or before certain dates; requiring the State Board to establish certain reporting
11 periods for certain reports; requiring the State Board, under certain circumstances,
12 to notify the treasurer of a contested election committee of certain deficiencies in a
13 certain manner; requiring the treasurer of a contested election committee to file an
14 amended report under certain circumstances; requiring the State Board to assess
15 certain late filing fees for failure to file certain reports; providing for the amount,
16 payment, use, and certain other matters relating to late filing fees; requiring the
17 State Board to issue a certain notice to the treasurer of a contested election
18 committee that has failed to file a certain report or pay a certain late filing fee;
19 authorizing a certain prosecuting authority to refer certain matters to the Central
20 Collection Unit in the Department of Budget and Management; providing that a
21 treasurer of a contested election committee who commits a certain violation is guilty
22 of a misdemeanor and on conviction is subject to certain penalties; prohibiting a
23 candidate whose contested election committee has failed to file a certain report or
24 pay a certain late fee from being issued a certificate of nomination under certain
25 circumstances; prohibiting a candidate whose contested election committee has
26 failed to file a certain report or pay a certain late fee from being deemed to be elected
27 to a certain office, take the oath or otherwise assume the duties of the office, or
28 receive a certain salary or compensation; prohibiting certain officials from issuing a
29 commission or administering an oath to an individual until the official receives a
30 certain certification from the State Board; authorizing the State Board to impose a
31 civil penalty on a contested election committee for certain violations; providing for
32 the amount, manner of assessment, and payment of certain civil penalties; requiring
33 that certain unspent public contributions be repaid to a certain government entity;
34 providing that certain private contributions are treated as spent before certain public
35 contributions for the purpose of making a certain calculation; requiring a contested
36 election committee to pay all outstanding obligations and dispose of its remaining
37 assets in a certain manner before filing a final report; repealing a provision of law
38 providing that certain provisions of law do not affect the right of an individual to pay
39 certain legal expenses associated with maintaining or contesting the results of an
40 election; ~~requiring providing~~ that a certain system of public campaign financing
41 established by the governing body of a county ~~allow a publicly financed candidate to~~
42 ~~establish~~ may include public financing of a contested election committee; authorizing
43 a system of public campaign financing established by the governing body of a county
44 to ~~provide public funds to the contested election committee of a publicly financed~~
45 ~~candidate and provide for more stringent regulation of campaign finance activity~~
46 ~~related to a contested election committee of a publicly financed candidate~~ allow a
47 publicly financed candidate to transfer any amount of funds from the candidate's

1 campaign finance entity to the candidate's contested election committee; making a
 2 technical correction; altering certain definitions; defining certain terms; and
 3 generally relating to contested elections.

4 BY repealing and reenacting, without amendments,

5 Article – Election Law

6 Section 1–101(a)

7 Annotated Code of Maryland

8 (2017 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Election Law

11 Section 1–101(o) and (aa), 12–101(a), 12–103(a), 12–107, 13–233, and 13–505

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2020 Supplement)

14 BY adding to

15 Article – Election Law

16 Section 12–301 through 12–313 to be under the new subtitle “Subtitle 3. Contested
 17 Election Committee”

18 Annotated Code of Maryland

19 (2017 Replacement Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

22 **Article – Election Law**

23 1–101.

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

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

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

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

32 (2) “Contribution” includes:

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

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

2 (3) “Contribution” does not include the costs associated with the
3 establishment, administration, or solicitation of voluntary contributions to a political action
4 committee established by a corporation, limited liability company, general partnership,
5 limited partnership, membership organization, trade association, cooperative, or
6 corporation without capital stock as long as the political action committee only solicits
7 contributions from employees of the organization that established the political action
8 committee, or members of the organization that established the political action committee,
9 and the employees or members are participating in a payroll deduction program established
10 by the employer of the employee or member.

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

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

15 **(2) PAY EXPENSES ASSOCIATED WITH CONTESTING AN ELECTION**
16 **UNDER TITLE 12 OF THIS ARTICLE; OR**

17 **[(2)] (3) pay for the publication expense of a legislative newsletter under**
18 **Title 13, Subtitle 4 of this article.**

19 12–101.

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

24 **(2) A CANDIDATE MAY NOT PETITION FOR A RECOUNT IF THE MARGIN**
25 **OF DIFFERENCE BETWEEN THE NUMBER OF VOTES RECEIVED BY AN APPARENT**
26 **WINNER AND THE LOSING CANDIDATE WITH THE HIGHEST NUMBER OF VOTES FOR**
27 **THE OFFICE IS GREATER THAN 5% OF THE TOTAL VOTES CAST FOR THOSE**
28 **CANDIDATES.**

29 12–103.

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

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

4 12-107.

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

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

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

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

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

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

18 2. in the case of a question, the margin of difference between
19 the number of votes cast for and the number cast against the question is 0.1% or less.

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

22 **SUBTITLE 3. CONTESTED ELECTION COMMITTEE.**

23 **12-301.**

24 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
25 **INDICATED.**

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

27 ~~(1)~~ (1) A RECOUNT UNDER SUBTITLE 1 OF THIS TITLE; OR

28 ~~(2)~~ (II) A JUDICIAL CHALLENGE UNDER SUBTITLE 2 OF THIS TITLE.

29 **(2) “CONTESTED ELECTION” INCLUDES AN ELECTION THAT MAY BE**
30 **SUBJECT TO A RECOUNT UNDER SUBTITLE 1 OF THIS TITLE, BUT FOR WHICH A**

1 RECOUNT DOES NOT OCCUR BECAUSE NEITHER CANDIDATE FILES A FORMAL
2 RECOUNT PETITION OR INITIATES A JUDICIAL ACTION.

3 (C) "CONTESTED ELECTION COMMITTEE" MEANS AN ENTITY FORMED FOR
4 THE EXCLUSIVE PURPOSE OF RECEIVING DONATIONS AND MAKING DISBURSEMENTS
5 RELATING TO A CONTESTED ELECTION.

6 12-302.

7 (A) THIS SUBTITLE APPLIES ONLY TO A PERSON THAT ACCEPTS PUBLIC
8 CAMPAIGN FINANCING UNDER:

9 (1) TITLE 15 OF THIS ARTICLE; OR

10 (2) § 13-505 OF THIS ARTICLE.

11 (B) A PERSON MAY ACCEPT A DONATION OR MAKE A DISBURSEMENT
12 RELATING TO A CONTESTED ELECTION ONLY IF THE PERSON:

13 (1) ESTABLISHES A CONTESTED ELECTION COMMITTEE; AND

14 (2) DISCLOSES THE DONATIONS AND DISBURSEMENTS IN
15 ACCORDANCE WITH THIS SUBTITLE.

16 12-303.

17 A PERSON MAY ESTABLISH A CONTESTED ELECTION COMMITTEE AT ANY TIME
18 BY FILING A STATEMENT OF ORGANIZATION WITH THE STATE BOARD THAT
19 INCLUDES:

20 (1) THE APPOINTMENT OF A TREASURER; AND

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

22 12-304.

23 (A) A CONTESTED ELECTION COMMITTEE SHALL:

24 (1) DEPOSIT ALL DONATIONS RECEIVED IN A DESIGNATED BANK
25 ACCOUNT; AND

26 (2) MAKE ALL DISBURSEMENTS FROM THE DESIGNATED BANK
27 ACCOUNT.

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

- 1 (1) PASS THROUGH THE HANDS OF THE TREASURER; AND
2 (2) BE IN ACCORDANCE WITH THE PURPOSE OF THE ENTITY.

3 12-305.

4 ~~(A) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A~~
5 ~~PERSON MAY NOT, DIRECTLY OR INDIRECTLY, IN AN ELECTION YEAR MAKE~~
6 ~~AGGREGATE DONATIONS IN EXCESS OF \$2,000 TO ANY ONE CONTESTED ELECTION~~
7 ~~COMMITTEE.~~

8 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
9 ~~CAMPAIGN FINANCE ENTITY MAY NOT, DIRECTLY OR INDIRECTLY, IN AN ELECTION~~
10 ~~YEAR MAKE AGGREGATE TRANSFERS IN EXCESS OF \$2,000 TO ANY ONE CONTESTED~~
11 ~~ELECTION COMMITTEE.~~

12 ~~(C) DONATIONS OR TRANSFERS TO A CONTESTED ELECTION COMMITTEE~~
13 ~~THAT IS ESTABLISHED TO CONTEST A BALLOT QUESTION ELECTION ARE NOT~~
14 ~~SUBJECT TO THE LIMITS ON DONATIONS OR TRANSFERS UNDER THIS SECTION.~~

15 ~~(D) DONATIONS FROM THE PERSONAL FUNDS OF A CANDIDATE OR THE~~
16 ~~CANDIDATE'S SPOUSE TO A CONTESTED ELECTION COMMITTEE ESTABLISHED TO~~
17 ~~FINANCE A RECOUNT OR JUDICIAL CHALLENGE OF AN ELECTION IN WHICH THE~~
18 ~~CANDIDATE WAS ON THE BALLOT ARE NOT SUBJECT TO THE LIMITS ON DONATIONS~~
19 ~~UNDER THIS SECTION.~~

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

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

29 ~~(B)~~ (1) A CONTESTED ELECTION COMMITTEE MAY NOT ACCEPT A
30 LOAN OTHER THAN A LOAN FROM:

31 (I) A FINANCIAL INSTITUTION OR OTHER ENTITY IN THE
32 BUSINESS OF MAKING LOANS; OR

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

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

6 **12-306.**

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

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

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

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

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

18 **12-307.**

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

21 **(1) USING AN ELECTRONIC FORMAT;**

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

24 **(3) UNDER OATH OR AFFIRMATION; AND**

25 **(4) SUBJECT TO THE PENALTIES FOR PERJURY.**

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

28 **12-308.**

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

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

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

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

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

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

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

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

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

1 **(D) THE STATE BOARD SHALL, BY REGULATION, ESTABLISH THE**
2 **REPORTING PERIODS FOR EACH OF THE REPORTS REQUIRED UNDER THIS**
3 **SUBTITLE.**

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

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

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

11 **12-309.**

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

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

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

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

19 **(III) \$50 FOR EACH DAY THEREAFTER.**

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

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

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

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

1 **(3) (I) THE STATE BOARD SHALL ACCEPT AN OVERDUE REPORT**
2 **THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING FEE, BUT THE REPORT**
3 **IS NOT CONSIDERED FILED UNTIL THE FEE HAS BEEN PAID.**

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

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

11 **12-310.**

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

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

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

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

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

27 **(B) A TREASURER WHO FAILS, WITHOUT CAUSE, TO FILE THE REPORT AND**
28 **PAY THE LATE FILING FEE WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE**
29 **REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A**
30 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES PRESCRIBED IN**
31 **§ 13-603 OF THIS ARTICLE.**

32 **12-311.**

1 **(A) A CANDIDATE WHOSE CONTESTED ELECTION COMMITTEE HAS FAILED**
2 **TO FILE A REPORT OR PAY A LATE FILING FEE THAT IS DUE UNDER THIS SUBTITLE**
3 **ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER**
4 **§ 5-801(B) OF THIS ARTICLE MAY NOT BE ISSUED A CERTIFICATE OF NOMINATION**
5 **UNDER § 5-705 OF THIS ARTICLE.**

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

9 **(1) BE DEEMED TO BE ELECTED TO A PUBLIC OR PARTY OFFICE IN**
10 **THIS STATE;**

11 **(2) TAKE THE OATH OR OTHERWISE ASSUME THE DUTIES OF THE**
12 **OFFICE; OR**

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

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

19 **12-312.**

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

23 **(1) MAKING A DISBURSEMENT FOR A PURPOSE NOT RELATED TO A**
24 **CONTESTED ELECTION;**

25 **(2) FAILURE TO DISPOSE OF SURPLUS FUNDS IN ACCORDANCE WITH**
26 **§ 12-313 OF THIS SUBTITLE;**

27 **(3) FAILURE TO MAINTAIN THE RECORDS REQUIRED UNDER § 12-306**
28 **OF THIS SUBTITLE; OR**

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

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

1 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CIVIL
2 PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE CONTESTED
3 ELECTION COMMITTEE.

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

9 12-313.

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

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

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

22 13-233.

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

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

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

28 13-505.

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

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

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

7 ~~(2)~~ **(3)** When establishing a system of public campaign financing for elective
8 offices in the executive or legislative branches of county government, the governing body of
9 a county shall:

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

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

14 ~~(B)~~ **(C)** A system of public campaign financing enacted under subsection ~~(a)~~ **(B)**
15 of this section:

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

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

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

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

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

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

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

29 (i) to the campaign finance entity established to finance the
30 campaign for county elective office from any other campaign finance entity established for
31 the candidate; and

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

3 (6) shall provide for a public election fund for county elective offices that is
4 administered by the chief financial officer of the county; ~~{and}~~

5 ~~(7) SHALL ALLOW A PUBLICLY FINANCED CANDIDATE TO ESTABLISH~~
6 ~~A CONTESTED ELECTION COMMITTEE UNDER TITLE 12, SUBTITLE 3 OF THIS~~
7 ~~ARTICLE; AND~~

8 ~~{(7)}~~ ~~(8)~~ shall be subject to regulation and oversight by the State Board to
9 ensure conformity with State law and policy to the extent practicable.

10 ~~(e)~~ (D) A system of public campaign financing enacted under subsection ~~(a)~~ (B) of
11 this section may:

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

15 (2) provide for administrative penalties for violations, in accordance with §
16 10-202 of the Local Government Article; AND

17 ~~(3) PROVIDE PUBLIC FUNDS TO THE CONTESTED ELECTION~~
18 ~~COMMITTEE OF A PUBLICLY FINANCED CANDIDATE; AND~~

19 ~~(4) PROVIDE FOR MORE STRINGENT REGULATION OF CAMPAIGN~~
20 ~~FINANCE ACTIVITY RELATED TO A CONTESTED ELECTION COMMITTEE OF A~~
21 ~~PUBLICLY FINANCED CANDIDATE~~

22 (3) ALLOW A PUBLICLY FINANCED CANDIDATE TO TRANSFER ANY
23 AMOUNT OF FUNDS FROM THE CANDIDATE'S CAMPAIGN FINANCE ENTITY TO THE
24 CANDIDATE'S CONTESTED ELECTION COMMITTEE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2021.