

# HOUSE BILL 72

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By: **Delegate Luedtke**

Introduced and read first time: January 12, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Fair Campaign Financing Fund**

3 FOR the purpose of requiring the State Board of Elections to determine before each  
4 gubernatorial election if the balance in the Fair Campaign Financing Fund is  
5 sufficient to fund a certain number of gubernatorial tickets; requiring the Governor  
6 to include an appropriation for the Fund in the budget bill of a certain amount if the  
7 State Board determines an insufficiency exists; requiring an eligible gubernatorial  
8 ticket to receive a public contribution for the general election in the form of a single  
9 payment; requiring the public contribution for the general election to be of a certain  
10 amount; requiring any funds the Governor appropriates to the Fund to be repaid in  
11 a certain manner; making a stylistic change; and generally relating to the Fair  
12 Campaign Financing Fund.

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 15–103, 15–106(d), and 15–108  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2016 Supplement)

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

20 **Article – Election Law**

21 15–103.

- 22 (a) There is a Fair Campaign Financing Fund.
- 23 (b) The Comptroller shall administer the Fund in accordance with this section.
- 24 (c) In accordance with this title, the Comptroller shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) credit to the Fund:

(i) all money collected under this title;

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

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

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

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

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

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

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

(d) The Comptroller shall distribute public contributions:

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

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

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

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

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

(2) \$100,000.

**(G) (1) THE STATE BOARD SHALL DETERMINE IF THE BALANCE IN THE FUND ON THE LAST DAY OF THE THIRD FISCAL YEAR PRECEDING THE FISCAL YEAR**

1 IN WHICH A GUBERNATORIAL GENERAL ELECTION WILL BE HELD IS SUFFICIENT TO  
2 PROVIDE A FULL PUBLIC CONTRIBUTION FOR TWO GUBERNATORIAL TICKETS IN THE  
3 PRIMARY ELECTION AND ONE GUBERNATORIAL TICKET IN THE GENERAL ELECTION.

4 (2) IF THE STATE BOARD DETERMINES THAT THE BALANCE IN THE  
5 FUND IS INSUFFICIENT UNDER PARAGRAPH (1) OF THIS SUBSECTION:

6 (I) THE STATE BOARD SHALL NOTIFY THE DEPARTMENT OF  
7 BUDGET AND MANAGEMENT OF THE AMOUNT OF THE INSUFFICIENCY ON OR  
8 BEFORE AUGUST 1 OF THE SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR IN  
9 WHICH A GUBERNATORIAL GENERAL ELECTION WILL BE HELD; AND

10 (II) THE GOVERNOR SHALL INCLUDE AN APPROPRIATION FOR  
11 THE FUND IN THE BUDGET BILL FOR THE FISCAL YEAR IMMEDIATELY PRECEDING  
12 THE FISCAL YEAR IN WHICH A GUBERNATORIAL GENERAL ELECTION WILL BE HELD  
13 THAT IS EQUAL TO THE AMOUNT OF THE INSUFFICIENCY.

14 15–106.

15 (d) (1) The State Board shall authorize distribution for the general election of  
16 [all] THE money remaining in the Fund, including money remaining from the part  
17 designated for the primary election, as provided in this subsection.

18 (2) [Each eligible gubernatorial ticket that is a nominee shall receive an  
19 equal share of the Fund] PROMPTLY AFTER CERTIFICATION OF THE PRIMARY  
20 ELECTION RESULTS, THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION OF A  
21 PUBLIC CONTRIBUTION TO EACH ELIGIBLE GUBERNATORIAL TICKET THAT IS A  
22 NOMINEE.

23 (3) EACH ELIGIBLE GUBERNATORIAL TICKET SHALL RECEIVE A  
24 PUBLIC CONTRIBUTION IN THE FORM OF A SINGLE PAYMENT.

25 (4) THE AMOUNT OF THE PUBLIC CONTRIBUTION TO EACH ELIGIBLE  
26 GUBERNATORIAL TICKET SHALL BE:

27 (I) EQUAL TO THE EXPENDITURE LIMIT UNDER § 15–105 OF  
28 THIS TITLE; OR

29 (II) IF THE BALANCE IN THE FUND IS INSUFFICIENT TO PROVIDE  
30 EACH ELIGIBLE GUBERNATORIAL TICKET A FULL PUBLIC CONTRIBUTION UNDER  
31 ITEM (I) OF THIS PARAGRAPH, AN EQUAL SHARE OF THE FUND.

32 [(3)](5) An eligible gubernatorial ticket may not receive a public  
33 contribution if it is unopposed on the general election ballot.

1            ~~[(4)]~~**(6)**        An eligible gubernatorial ticket that did not receive a public  
2 contribution in the primary election may receive a public contribution in the general  
3 election only if the gubernatorial ticket:

4                            (i)        is a nominee in the general election; and

5                            (ii)       did not exceed the expenditure limit for the primary election.

6            **[(5)]**        The State Board shall authorize distribution of public contributions  
7 promptly after the certification of primary election results.]

8 15–108.

9            **(A)**        ~~[Any]~~ **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY**  
10 balance in the Fund after a gubernatorial election shall remain in the Fund for the purposes  
11 of this title.

12            **(B) (1) IF THE GOVERNOR MAKES AN APPROPRIATION FOR THE FUND IN**  
13 **ACCORDANCE WITH § 15–103(G) OF THIS TITLE, THE STATE BOARD SHALL**  
14 **AUTHORIZE REPAYMENT OF THE AMOUNT APPROPRIATED.**

15                        **(2) IF THE APPROPRIATED FUNDS WERE NOT USED, THE FULL**  
16 **AMOUNT OF THE APPROPRIATION SHALL BE REPAID PROMPTLY AFTER THE**  
17 **GUBERNATORIAL GENERAL ELECTION.**

18                        **(3) (I) IF THE APPROPRIATED FUNDS WERE USED, AN AMOUNT**  
19 **SHALL BE REPAID ANNUALLY EQUAL TO 50% OF THE AGGREGATE AMOUNT**  
20 **CREDITED TO THE FUND UNDER § 15–103(C)(1) OF THIS TITLE IN THE PRECEDING**  
21 **FISCAL YEAR.**

22                                **(II) THE REPAYMENTS REQUIRED UNDER THIS PARAGRAPH**  
23 **SHALL BEGIN IN THE FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH A**  
24 **GUBERNATORIAL GENERAL ELECTION IS HELD AND CONTINUE IN EACH FISCAL**  
25 **YEAR THEREAFTER UNTIL THE FULL AMOUNT OF THE APPROPRIATION IS REPAID.**

26                                **(III) IN COMPUTING WHETHER PART OF A GUBERNATORIAL**  
27 **APPROPRIATION WAS USED, ALL MONEY CREDITED TO THE FUND UNDER**  
28 **§ 15–103(C)(1) OF THIS TITLE SHALL BE CONSIDERED TO HAVE BEEN USED BEFORE**  
29 **ANY OF THE GUBERNATORIAL APPROPRIATION.**

30            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2017.