

Title 33 STATE BOARD OF ELECTIONS

Subtitle 13 CAMPAIGN FINANCING

Chapter 14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

.01 Scope.

This chapter applies to the administration of public campaign financing for elective office of county government.

.02 Establishment.

A. In General. A county government may establish a system of public campaign financing to fund candidates for elective office of county government.

B. Plan Submission. No later than 1 year prior to the enactment of the system of public campaign financing, the county government shall submit the plan for the public financing system to the State Board for approval.

C. Approval Required. The county government may not implement a system of public campaign financing without the approval of the State Board.

D. Plan Review. Within 30 days of receipt of a plan, the State Board shall:

(1) Review the plan for conformity with State law and policy; and

(2) Notify the county government, in writing, that the plan is approved and conformed with State law and policy, or, if not approved, state the reasons the plan does not conform.

E. Amended Plan Submission. If the State Board does not approve the plan, the county government may submit an amended plan for a public financing system at least 6 months prior to the date the system would be in effect for the next election.

.03 In General.

A. Establishment. A candidate for local office seeking public campaign financing shall establish an authorized candidate campaign committee with the State Board for the exclusive purpose of accepting public funds for election to a county office.

B. Qualification. Prior to engaging in campaign finance activity relating to public financing, including receiving non-public contributions in order to qualify for public funds, the candidate shall:

(1) File with the State Board a Statement of Organization establishing an authorized candidate campaign committee for the exclusive use or purpose of accepting public funds;

(2) File with the State Board a notice of intent to qualify for public funds at the time of filing the Statement of Organization; and

(3) Cease all campaign finance activity using any other authorized candidate campaign committee affiliated with the candidate from the date that the candidate files the notice of intent to the date the candidate files the final report for the candidate's public funding campaign committee.

C. Prohibitions. A candidate who accepts public funds may not:

(1) Use any other authorized candidate campaign committee except for one established in §A of this regulation;
or

(2) Be a member of a slate committee.

D. Reports. All campaign finance reports of the authorized candidate campaign committee established in §A of this regulation shall be filed at the State Board in the manner and method set forth in COMAR 33.13.03.02.

E. Expenditure Limit. An authorized candidate campaign committee of a candidate who accepts public funds may not expend, in the applicable election, any amount in excess of that permitted by law.

F. Affiliation. A candidate who accepts public funds may affiliate with any other candidate, including non-publicly financed candidates, on campaign material if:

(1) The authorized candidate campaign committee established in §A of this regulation makes a direct disbursement to the payee for its share of the costs of the campaign material; and

(2) The campaign material displays the authority line of the authorized candidate campaign committee established in §A of this regulation.

G. Inactive Committees. All authorized candidate campaign committees affiliated with the candidate, including any authorized candidate committees that have not filed a final report but are inactive during the election, shall continue to file campaign finance reports required by Election Law Article, §§13-304 and 13-309, Annotated Code of Maryland.

.04 Agency Responsibilities.

The State Board shall:

A. Prescribe all forms regarding campaign finance reporting;

B. Determine whether a candidate has qualified for public financing based on the criteria established by the governing body of the county;

C. Determine whether a candidate has raised sufficient seed money to qualify to receive public funds, if seed money is required under the county's public financing system;

D. Notify the chief financial officer of the county as to which candidates have qualified for public financing based on the criteria established by the governing body of the county and campaign finance reports filed; and

E. Promptly after the gubernatorial general election, provide assistance, if requested, to the chief financial officer of the county administering the public election fund in the audit of all campaign finance reports and other documents submitted by a publicly funded candidate.

.05 County Responsibilities.

The governing body of a county shall:

- A. Establish the qualifications, requirements, and deadlines to participate in and qualify for public campaign financing;
- B. Establish the permitted uses of public election funds;
- C. Provide for sufficient personnel to administer and implement the system for public campaign financing; and
- D. Establish administrative penalties for violations of the system of public campaign financing and identify the agency responsible for the enforcement of penalties.

.06 Chief Financial Officer Responsibilities.

The chief financial officer of the county shall:

- A. Administer the public election fund;
- B. Credit to the public election fund all money collected for the public election fund;
- C. Promptly disburse any public contribution from the fund to any qualified and eligible candidate;
- D. In consultation with the State Board, provide full information to the public, to candidates, and to any other interested party on the process of administering the public election fund and on the requirements for obtaining public financing; and
- E. Promptly after the primary or general election for elective offices in the executive or legislative branches of county government, audit all campaign finance reports and other documents submitted by a publicly funded candidate for that election.