

HOUSE BILL 213

G1

3lr1052

By: **Delegates Watson, Charkoudian, Ebersole, Feldmark, Guzzone, Hill, A. Johnson, S. Johnson, R. Lewis, Love, Phillips, Reznik, Ruth, Vogel, Wu, and Ziegler**

Introduced and read first time: January 20, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the governing body of a county to establish a system of
4 public campaign financing for elected members of the county board of education after
5 the governing body of the county has implemented a system of public campaign
6 financing for elective offices in the executive or legislative branches of the county
7 government for at least one complete election cycle; prohibiting the system from
8 including public campaign financing for the election of a student member of the
9 board; and generally relating to local public campaign financing.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 13–505
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2022 Supplement)

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

17 **Article – Election Law**

18 13–505.

19 (a) In this section, “contested election committee” means a contested election
20 committee established under Title 12, Subtitle 3 of this article.

21 (b) (1) **(I)** Subject to the provisions of this section, the governing body of a
22 county may establish, by law, a system of public campaign financing for elective offices in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the executive or legislative branches of county government.

2 **(II) 1. SUBJECT TO THE PROVISIONS OF THIS SECTION,**
3 **AFTER THE GOVERNING BODY OF A COUNTY HAS IMPLEMENTED A SYSTEM OF**
4 **PUBLIC CAMPAIGN FINANCING ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS**
5 **PARAGRAPH FOR AT LEAST ONE COMPLETE ELECTION CYCLE, THE GOVERNING**
6 **BODY OF THE COUNTY MAY ESTABLISH, BY LAW, A SYSTEM OF PUBLIC CAMPAIGN**
7 **FINANCING FOR ELECTED MEMBERS OF THE COUNTY BOARD OF EDUCATION.**

8 **2. A SYSTEM OF PUBLIC CAMPAIGN FINANCING FOR**
9 **ELECTED MEMBERS OF THE COUNTY BOARD OF EDUCATION ESTABLISHED UNDER**
10 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY NOT INCLUDE PUBLIC**
11 **CAMPAIGN FINANCING FOR THE ELECTION OF A STUDENT MEMBER OF THE COUNTY**
12 **BOARD OF EDUCATION.**

13 (2) A system of public financing established under paragraph (1) of this
14 subsection may include public financing of a contested election committee.

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

18 (i) specify the criteria that are to be used to determine whether an
19 individual is eligible for public campaign financing; and

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

22 (c) A system of public campaign financing enacted under subsection (b) of this
23 section:

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

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

28 (3) shall prohibit the use of public campaign financing for any campaign
29 except a campaign for [county] **LOCAL** elective office;

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

31 (i) establish a campaign finance entity solely for the campaign for
32 [county] **LOCAL** elective office; and

33 (ii) use funds from that campaign finance entity only for the

1 campaign for [county] LOCAL elective office;

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

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

7 (ii) from the campaign finance entity established to finance the
8 campaign for [county] LOCAL elective office to any other campaign finance entity;

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

11 (7) shall be subject to regulation and oversight by the State Board to ensure
12 conformity with State law and policy to the extent practicable.

13 (d) A system of public campaign financing enacted under subsection (b) of this
14 section may:

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

18 (2) provide for administrative penalties for violations, in accordance with §
19 10–202 of the Local Government Article; and

20 (3) allow a publicly financed candidate to transfer any amount of funds
21 from the candidate's campaign finance entity to the candidate's contested election
22 committee.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2023.