

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 11(a)(3) of this subtitle.

(b) When a complaint is filed under § 11 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) The Commission finds the respondent has engaged in, or is engaging in a discriminatory act; and

(2) There is a failure to reach an agreement for the remedy and elimination of the discriminatory act.

(c) (1) If a complainant **OR RESPONDENT** makes an election under subsection (a) of this section, that [individual] **PARTY** shall give notice of the election to the Commission and to all other complainants and respondents.

(2) If the Commission makes an election under subsection (b) of this section, the Commission shall give notice of the election to all complainants and respondents.

(3) Not later than 60 days after the election is made by any party, the Commission shall file a civil action in the court of the county where the alleged act of discrimination took place.

(d) If the court finds that a discriminatory act took place, the court may provide the remedies specified in § 11(e)(3) through (6) of this subtitle.

(e) If the Commission seeks compensatory damages under this section:

(1) Any party may demand a trial by jury; and

(2) The court may not inform the jury of the limitations on compensatory damages imposed under § 11(e)(5) of this subtitle.

11B.

(a) In addition to the right to make an election authorized under § 11A of this subtitle, a complainant may bring a civil action against the respondent alleging a discriminatory act if:

(1) The complainant initially filed ~~an~~ A TIMELY administrative charge or a complaint under federal, State, or local law alleging a discriminatory act by the respondent; ~~and~~