

G1

7lr0174

(PRE-FILED)

By: Delegate Taylor and Chairman, Commerce and Government Matters Committee, and Delegates Dewberry, Hurson, Arnick, Busch, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, and Vallario Vallario, Dembrow, Baldwin, Bobo, Brinkley, Clagett, Conroy, Crumlin, Cryor, DeCarlo, Dypski, Elliott, Finifter, Flanagan, Getty, Goldwater, Grosfeld, Heller, Howard, Kittleman, Malone, Mandel, Marriott, McKee, Minnick, D. Murphy, Perry, Petzold, Pitkin, Preis, Rudolph, Shriver, Snodgrass, Stup, Turner, Wood, Workman, and Cadden

Requested: July 31, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 1997

CHAPTER ____

1 AN ACT concerning

2 Election Laws - Campaign Fund-Raising Reports - Computerization

3 FOR the purpose of requiring ~~that certain campaign finance reports be submitted to and~~
4 ~~maintained by the State Administrative Board of Election Laws in an electronic~~
5 ~~medium; requiring the State Board to provide certain materials to persons required~~
6 ~~to file certain campaign fund reports and authorizing the State Board to charge~~
7 ~~reasonable fees for the materials; requiring the State Board to make the campaign~~
8 ~~finance report information that it maintains in an electronic medium easily~~
9 ~~accessible to the public~~ the State Administrative Board of Election Laws to develop
10 and implement a plan for the filing and maintenance in an electronic medium of
11 certain campaign finance reports; specifying certain criteria and features for the
12 plan; requiring the State Board periodically to submit certain reports to the
13 Legislative Policy Committee of the General Assembly regarding the
14 implementation of the plan for the filing and maintenance in an electronic medium
15 of certain campaign finance reports; defining certain terms; requiring the State
16 Board to adopt certain regulations; and generally relating to the filing and
17 maintenance of certain campaign finance reports in an electronic medium.

18 BY adding to

19 Article 33 - Election Code

20 Section 1-1(a)(6B)

2

1 Annotated Code of Maryland
2 (1993 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 33 - Election Code
5 Section 26-11(l) and 26-12
6 Annotated Code of Maryland
7 (1993 Replacement Volume and 1996 Supplement)

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

10 **Article 33 - Election Code**

11 1-1.

12 (a) As used in this article the following terms shall have the meanings indicated
13 unless a contrary meaning is clearly intended from the context in which the term appears:

14 (6B) "ELECTRONIC MEDIUM" MEANS A COMPUTER DISK OR OTHER
15 INFORMATION STORAGE AND RETRIEVAL MEDIUM APPROVED BY THE STATE
16 ADMINISTRATIVE BOARD OF ELECTION LAWS.

17 26-11.

18 (l) (1) A candidate and treasurer designated by that candidate, the chairman
19 and treasurer of a candidate's committee, or a slate of candidates, who are required to
20 file reports or statements under subsection (a), (d)(1), or (e)(3) of this section with the
21 State Administrative Board of Election Laws, shall also file a single copy of all reports,
22 statements, and affidavits required under this section with the local election board of the
23 county or Baltimore City where the candidate resides. The report to the local [election]
24 board [shall]:

25 (I) SHALL be filed according to the schedule set forth in subsections
26 (a) and (d) of this section;

27 (II) SHALL BE IN AN ELECTRONIC MEDIUM OR IN PAPER COPY, AS
28 DIRECTED BY THE LOCAL BOARD; and

29 (III) [shall not be] IS NOT subject to the requirements relating to the
30 assessment of a late filing fee provided under § 26-13 of this article.

31 (2) This subsection does not apply to candidates for the offices of Governor,
32 Lieutenant Governor, Comptroller, Attorney General, or judge of an appellate court.

33 26-12.

34 (a) The forms for the "Report or Statement of Campaign and Election
35 Contributions and Expenditures" and the "Schedule of Receipts and Disbursements"
36 shall be prescribed by the State Administrative Board of Election Laws.

37 (b) A candidate or candidates for election or elected to a public office of the
38 United States shall file a copy of each statement required by federal laws or regulations

3

1 with the State Administrative Board of Election Laws. Additional campaign report filings
2 by the candidate are not required.

3 (C) ~~(4)~~ SUBJECT TO PARAGRAPH (3) SUBSECTIONS (D) THROUGH (H) OF
4 THIS SUBSECTION SECTION, ALL CAMPAIGN FINANCE REPORTS REQUIRED UNDER §
5 26-11 OF THIS ARTICLE WHICH MUST BE FILED WITH THE STATE ADMINISTRATIVE
6 BOARD OF ELECTION LAWS SHALL BE SUBMITTED TO AND MAINTAINED BY THE
7 STATE BOARD IN AN ELECTRONIC MEDIUM.

8 ~~(2) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL~~
9 ~~ACCEPT ANY CAMPAIGN FINANCE REPORT THAT IS SUBMITTED IN AN ELECTRONIC~~
10 ~~MEDIUM WHICH MEETS THE CRITERIA SPECIFIED BY THE STATE BOARD.~~

11 ~~(3) UPON REQUEST, THE STATE ADMINISTRATIVE BOARD OF ELECTION~~
12 ~~LAWS SHALL:~~

13 ~~(I) SUPPLY TO A PERSON WHO IS REQUIRED TO FILE REPORTS IN~~
14 ~~AN ELECTRONIC MEDIUM THE COMPUTER SOFTWARE AND THE DISKS OR OTHER~~
15 ~~MEDIA ON WHICH THE CAMPAIGN FINANCE INFORMATION IS TO BE ENTERED AND~~
16 ~~CHARGE A REASONABLE FEE FOR THE MATERIALS PROVIDED; OR~~

17 ~~(II) ON BEHALF OF THE PERSON REQUIRED TO FILE REPORTS IN~~
18 ~~AN ELECTRONIC MEDIUM, ENTER ON A DISK OR OTHER MEDIUM THE CAMPAIGN~~
19 ~~FINANCE INFORMATION SUBMITTED BY THAT PERSON AND CHARGE A~~
20 ~~REASONABLE FEE FOR THE SERVICE AND MATERIALS PROVIDED.~~

21 ~~(4) THE STATE BOARD MAY REFUSE TO ACCEPT OR PROCESS ANY~~
22 ~~CAMPAIGN FINANCE REPORT OR CAMPAIGN FINANCE INFORMATION THAT IS~~
23 ~~INCOMPLETE OR NOT SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF~~
24 ~~THIS SECTION.~~

25 (D) (1) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL
26 DEVELOP AND IMPLEMENT A PLAN FOR THE FILING AND MAINTENANCE IN AN
27 ELECTRONIC MEDIUM OF ALL CAMPAIGN FINANCE REPORTS REQUIRED UNDER §
28 26-11 OF THIS ARTICLE.

29 (2) THE PLAN SHALL BE IMPLEMENTED AS SOON AS PRACTICABLE,
30 CONSISTENT WITH BUDGET RESOURCES APPROPRIATED TO THE STATE BOARD.

31 (E) (1) SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (2) AND (3) OF
32 THIS SUBSECTION, THE PLAN DEVELOPED AND IMPLEMENTED BY THE STATE
33 ADMINISTRATIVE BOARD OF ELECTION LAWS UNDER SUBSECTION (D) OF THIS
34 SECTION MAY BE IMPLEMENTED IN STAGES.

35 (2) THE PLAN DEVELOPED BY THE STATE BOARD SHALL REQUIRE
36 THAT, BEGINNING WITH THE CAMPAIGN FINANCE REPORT THAT IS DUE IN
37 NOVEMBER 1997, THE REPORT OF EACH STATEWIDE CANDIDATE AND ANY
38 POLITICAL COMMITTEE AFFILIATED WITH THE CANDIDATE:

39 (I) BE SUBMITTED IN AN ELECTRONIC MEDIUM IN ACCORDANCE
40 WITH SPECIFICATIONS PRESCRIBED BY THE STATE BOARD; AND

1 (II) BE ACCEPTED AND MAINTAINED BY THE STATE BOARD IN AN
2 ELECTRONIC MEDIUM SUITABLE FOR PUBLIC ACCESS.

3 (3) (I) THE PLAN DEVELOPED BY THE STATE BOARD SHALL PROVIDE
4 THAT, BEGINNING WITH THE CAMPAIGN FINANCE REPORT THAT IS DUE IN
5 NOVEMBER 1999, EACH STATEWIDE CANDIDATE, NONSTATEWIDE CANDIDATE THAT
6 IS REQUIRED TO FILE ITS CAMPAIGN FINANCE REPORTS WITH THE STATE BOARD,
7 AND ANY POLITICAL COMMITTEE AFFILIATED WITH SUCH CANDIDATES, THAT IS
8 REQUIRED TO FILE ITS CAMPAIGN FINANCE REPORTS WITH THE STATE BOARD,
9 TOGETHER WITH ANY OTHER POLITICAL COMMITTEE DESIGNATED BY THE STATE
10 BOARD, MUST SUBMIT ITS CAMPAIGN FINANCE REPORT UTILIZING:

11 1. THE COMPUTER SOFTWARE DEVELOPED BY THE STATE
12 BOARD, TOGETHER WITH THE DISKS OR OTHER MEDIA NEEDED TO ACCOMMODATE
13 THE SOFTWARE, TO ALLOW THE ENTITY TO FILE ITS CAMPAIGN REPORT IN AN
14 ELECTRONIC MEDIUM; OR

15 2. OTHER COMPUTER SOFTWARE AND DISKS OR OTHER
16 MEDIA THAT MEET THE SPECIFICATIONS PRESCRIBED BY THE STATE BOARD FOR
17 THE SUBMISSION OF CAMPAIGN FINANCE REPORTS IN AN ELECTRONIC MEDIUM.

18 (II) THE STATE BOARD MAY CHARGE A REASONABLE FEE FOR
19 ANY MATERIALS IT PROVIDES TO AN ENTITY UNDER SUBPARAGRAPH (I)1 OF THIS
20 PARAGRAPH.

21 (F) THE PLAN DEVELOPED BY THE STATE ADMINISTRATIVE BOARD OF
22 ELECTION LAWS SHALL:

23 (1) EXEMPT ANY CANDIDATE OR POLITICAL COMMITTEE THAT DOES
24 NOT RAISE CONTRIBUTIONS IN EXCESS OF \$10,000 DURING A 4-YEAR ELECTION
25 CYCLE FROM THE REQUIREMENTS FOR FILING CAMPAIGN FINANCE REPORTS IN AN
26 ELECTRONIC MEDIUM; HOWEVER, THE CANDIDATE OR POLITICAL COMMITTEE
27 VOLUNTARILY MAY CHOOSE TO FILE THE REPORT IN AN ELECTRONIC MEDIUM;
28 AND

29 (2) UPON A SHOWING OF UNDUE HARDSHIP, OFFER TO ANY ENTITY
30 REQUIRED TO FILE CAMPAIGN FINANCE REPORTS IN AN ELECTRONIC MEDIUM THE
31 OPTION OF HAVING THE STATE BOARD, FOR A REASONABLE FEE, ENTER ON A DISK
32 OR OTHER MEDIUM THE INFORMATION SUBMITTED BY THE ENTITY.

33 ~~(S)~~ (G) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS
34 SHALL MAKE THE CAMPAIGN FINANCE INFORMATION THAT IS FILED WITH AND
35 MAINTAINED BY THE STATE BOARD IN AN ELECTRONIC MEDIUM WIDELY AND
36 EASILY ACCESSIBLE TO THE PUBLIC, UTILIZING ANY EXISTING PUBLIC OR PRIVATE
37 SYSTEMS FOR DATA DISSEMINATION, AND ON TERMS THAT THE STATE BOARD
38 CONSIDERS CONSISTENT WITH THE PURPOSES AND REQUIREMENTS OF THIS
39 ARTICLE.

40 ~~(D)~~ (H) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL
41 ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

5

1 SECTION 2. AND BE IT FURTHER ENACTED, That, until the plan for the
2 filing and maintenance of all campaign finance reports required under Article 33, § 26-11
3 of the Code is fully implemented in accordance with this Act, the State Administrative
4 Board of Election Laws shall submit a report in accordance with § 2-1312 of the State
5 Government Article, describing its progress in meeting the requirements of this Act to the
6 Legislative Policy Committee of the General Assembly on December 1 of each year.

7 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ June 1, 1997.