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By: **Delegates Wood, McIntosh, Arnick, Benson, Bobo, Clagett, DeCarlo, Malone, Riley, Snodgrass, Sophocleus, Swain, Paige, Dobson, Bronrott, and Parrott**

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 14, 2001

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CHAPTER 159

1 AN ACT concerning

2 **Election Law - Political Action Committees - Contributions**

3 FOR the purpose of ~~authorizing a political action committee sponsored by or affiliated~~  
4 ~~with another entity or group to collect contributions paid voluntarily by~~  
5 ~~members when the member makes payment for membership dues or makes~~  
6 ~~payment for contributions to a political action committee established under~~  
7 ~~federal law; authorizing a political action committee that is sponsored by or~~  
8 ~~affiliated with an entity or group~~ of an affiliated entity to collect contributions  
9 that are paid voluntarily by its members by means of payroll deductions,  
10 together with the payroll withholdings from the ~~employee~~ employees that are  
11 made for the payment of dues by the members to the affiliated entity ~~or group;~~  
12 under certain circumstances; authorizing a political action committee to have  
13 the combined voluntary contributions by members of an affiliated entity  
14 collected by the affiliated entity in conjunction with the receipt of membership  
15 dues or the voluntary contributions made to a political action committee  
16 established under federal law under certain circumstances; requiring certain  
17 political action committees, affiliated entities, and employers to keep certain  
18 records relating to certain contributions that are made by payroll deduction to  
19 political action committees under certain circumstances; prohibiting certain  
20 practices concerning solicitations for contributions to political action  
21 committees; and generally relating to certain contributions to political action  
22 committees.

23 BY repealing and reenacting, with amendments,  
24 Article 33 - Election Code  
25 Section 13-210 and 13-211

1 Annotated Code of Maryland  
2 (1997 Replacement Volume and 2000 Supplement)

3 BY adding to  
4 Article 33 - Election Code  
5 Section 13-211.1  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume and 2000 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 13-210.

12 (a) Except as provided in [§ 13-211] §§ 13-211 AND 13-211.1 of this subtitle and  
13 subsection (b) of this section, no person other than a candidate shall, to aid or promote  
14 the success or defeat of any political party or principle or of any proposition submitted  
15 to vote at any public election, or of any candidate for nomination for, or election to  
16 public or party office, make a payment or contribution of money or property or incur  
17 any liability or promise any valuable thing to any person other than to the treasurer  
18 or subtreasurer of a candidate or [treasurer of a] political committee, INCLUDING A  
19 POLITICAL ACTION COMMITTEE, in their official capacity.

20 (b) (1) A contribution may be made directly to a candidate provided the  
21 candidate shall report the contribution to the candidate's treasurer.

22 (2) Nothing contained in this subtitle shall limit or affect the right of any  
23 person to volunteer the time or personal vehicle of the person for transportation  
24 incident to any election or to expend money for proper legal expenses in maintaining  
25 or contesting the results of any election.

26 13-211.

27 (a) (1) [An] WHEN EMPLOYEE CONTRIBUTIONS ARE MADE FOR A  
28 CANDIDATE OR POLITICAL COMMITTEE, INCLUDING A POLITICAL ACTION  
29 COMMITTEE AFFILIATED WITH THE EMPLOYER, THE employer may accumulate in a  
30 separate, segregated account the combined, voluntary, and periodic contributions of  
31 employees made by payroll deduction.

32 (2) WHEN EMPLOYEE CONTRIBUTIONS ARE MADE FOR A POLITICAL  
33 ACTION COMMITTEE AFFILIATED WITH AN ENTITY IN WHICH THE EMPLOYEE IS A  
34 MEMBER AND FOR WHICH THE EMPLOYER WITHHOLDS BY MEANS OF PAYROLL  
35 DEDUCTIONS PERIODIC PAYMENTS OF DUES BY THE EMPLOYEES TO THE  
36 AFFILIATED ENTITY, THE EMPLOYER MAY ALSO COLLECT FROM THE EMPLOYEE, IN  
37 CONJUNCTION WITH THE PAYROLL DEDUCTION OF DUES, THE COMBINED,  
38 VOLUNTARY, AND PERIODIC CONTRIBUTIONS OF EMPLOYEES MADE BY PAYROLL  
39 DEDUCTION.

1 (b) (1) An employer shall keep and maintain detailed, full, and accurate  
2 records of all payroll deductions made under subsection [(a)] (A)(1) of this section,  
3 including:

4 [(1)] (I) The names of the individual contributors;

5 [(2)] (II) The day on which each contribution is withheld;

6 [(3)] (III) The amount of each contribution withheld from an employee's  
7 paycheck; and

8 [(4)] (IV) The disposition of the amounts withheld.

9 (2) A POLITICAL ACTION COMMITTEE, IN CONJUNCTION WITH THE  
10 AFFILIATED ENTITY AND THE EMPLOYER, SHALL KEEP AND MAINTAIN DETAILED,  
11 FULL, AND ACCURATE RECORDS OF ALL PAYROLL DEDUCTIONS MADE UNDER  
12 SUBSECTION (A)(2) OF THIS SECTION, INCLUDING:

13 (I) THE NAMES OF THE INDIVIDUAL CONTRIBUTORS;

14 (II) THE DAY ON WHICH THE PAYROLL DEDUCTION WAS MADE;

15 (III) THE AMOUNT OF EACH DEDUCTION THAT ~~CONSTITUTES~~  
16 INCLUDES THE CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE;

17 (IV) THE DAY ON WHICH THE COMBINED, VOLUNTARY, AND  
18 PERIODIC CONTRIBUTIONS WITHHELD BY THE EMPLOYER WERE RECEIVED BY THE  
19 AFFILIATED ENTITY OR THE POLITICAL ACTION COMMITTEE, OR BOTH;

20 (V) THE AMOUNT OF EACH CONTRIBUTION WITHHELD FROM AN  
21 EMPLOYEE MEMBER'S PAYROLL CHECK; AND

22 (VI) THE DISPOSITION OF THE AMOUNTS WITHHELD.

23 (c) (1) An employer may not accumulate the contributions withheld in  
24 accordance with [this] subsection (A)(1) OF THIS SECTION for more than 3 months  
25 before the employer shall transfer the accumulated contributions to a treasurer or  
26 subtreasurer, in their official capacity, of a candidate or a political committee,  
27 INCLUDING A POLITICAL ACTION COMMITTEE AFFILIATED WITH THE EMPLOYER,  
28 together with the information recorded in accordance with the provisions of  
29 subsection [(b)] (B)(2) of this section.

30 (2) (I) AN EMPLOYER MAY NOT ACCUMULATE THE CONTRIBUTIONS  
31 WITHHELD IN ACCORDANCE WITH SUBSECTION (A)(2) OF THIS SECTION FOR MORE  
32 THAN 3 MONTHS BEFORE THE EMPLOYER SHALL TRANSFER THE ACCUMULATED  
33 CONTRIBUTIONS TO EITHER THE TREASURER OR THE SUBTREASURER, IN THEIR  
34 OFFICIAL CAPACITY, OF THE POLITICAL ACTION COMMITTEE, OR TO THE AFFILIATED  
35 ENTITY, TOGETHER WITH:

1                                   1.       THE INFORMATION RECORDED IN ACCORDANCE WITH  
2 THE PROVISIONS OF SUBSECTION (B)(2)(I) AND (II) OF THIS SECTION; AND

3                                   2.       AT THE EMPLOYER'S DISCRETION, THE INFORMATION  
4 RECORDED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B)(2)(III)  
5 THROUGH (V) OF THIS SECTION.

6                                   (II)     AN AFFILIATED ENTITY THAT RECEIVES THE ACCUMULATED  
7 CONTRIBUTIONS OF EMPLOYEES FROM AN EMPLOYER UNDER THIS SUBSECTION  
8 MAY NOT HOLD THE CONTRIBUTIONS FOR MORE THAN 30 DAYS BEFORE THE  
9 AFFILIATED ENTITY TRANSFERS THE ACCUMULATED CONTRIBUTIONS TO THE  
10 TREASURER OR SUBTREASURER OF THE POLITICAL ACTION COMMITTEE, TOGETHER  
11 WITH:

12                                  1.       THE INFORMATION RECORDED BY AND RECEIVED FROM  
13 THE EMPLOYER UNDER SUBSECTION (B)(2)(I) AND (II) OF THIS SECTION; AND

14                                  2.       THE INFORMATION RECORDED IN ACCORDANCE WITH  
15 THE PROVISIONS OF SUBSECTION (B)(2)(III) THROUGH (V) OF THIS SECTION.

16                                  (III)    A POLITICAL ACTION COMMITTEE THAT RECEIVES  
17 ACCUMULATED CONTRIBUTIONS THAT WERE MADE UNDER SUBSECTION (A)(2) OF  
18 THIS SECTION SHALL KEEP AND MAINTAIN DETAILED, FULL, AND ACCURATE  
19 RECORDS OF THE INFORMATION RECEIVED FROM THE EMPLOYER OR ITS  
20 AFFILIATED ENTITY, OR BOTH, TOGETHER WITH THE INFORMATION RECORDED BY  
21 THE POLITICAL ACTION COMMITTEE IN ACCORDANCE WITH THE PROVISIONS OF  
22 SUBSECTION (B)(2) OF THIS SECTION.

23       (d)     In soliciting an employee for any contribution by means of a payroll  
24 deduction, an employer OR A POLITICAL COMMITTEE, INCLUDING A POLITICAL  
25 ACTION COMMITTEE, shall inform the employee:

26                   (1)     Of the political purposes of the account OR POLITICAL ACTION  
27 COMMITTEE; and

28                   (2)     Of the employee's right to refuse to contribute to the account OR  
29 POLITICAL ACTION COMMITTEE without reprisal.

30       (e)     For purposes of a payroll deduction for any contribution, an employer may  
31 not receive, accumulate, transfer, or utilize money or anything of value secured by:

32                   (1)     Physical force;

33                   (2)     Job discrimination;

34                   (3)     Financial reprisals;

35                   (4)     The threat of force, job discrimination, or financial reprisal;

36                   (5)     Money obtained in any commercial transaction; or

1 (6) Dues, fees, or other money required as a condition of:

2 (i) Membership in a labor organization; or

3 (ii) Employment.

4 13-211.1.

5 (A) A POLITICAL ACTION COMMITTEE MAY HAVE THE COMBINED VOLUNTARY  
6 CONTRIBUTIONS BY MEMBERS OF AN AFFILIATED ENTITY ~~OR GROUP~~ COLLECTED  
7 AND ACCUMULATED BY THE AFFILIATED ENTITY ~~OR GROUP~~ IN CONJUNCTION WITH:

8 (1) THE RECEIPT OF MEMBERSHIP DUES INVOICED AND COLLECTED BY  
9 THE AFFILIATED ENTITY ~~OR GROUP~~ ON A PERIODIC BASIS; OR

10 (2) VOLUNTARY CONTRIBUTIONS MADE TO A POLITICAL ACTION  
11 COMMITTEE ESTABLISHED PURSUANT TO FEDERAL LAW, IF THAT POLITICAL ACTION  
12 COMMITTEE IS ALSO AFFILIATED WITH THE ENTITY ~~OR GROUP~~ COLLECTING AND  
13 ACCUMULATING THE CONTRIBUTIONS.

14 (B) AN AFFILIATED ENTITY ~~OR GROUP~~ SHALL KEEP AND MAINTAIN  
15 DETAILED, FULL, AND ACCURATE RECORDS OF ALL CONTRIBUTIONS MADE UNDER  
16 SUBSECTION (A) OF THIS SECTION, INCLUDING:

17 (1) THE NAMES OF THE INDIVIDUAL CONTRIBUTORS;

18 (2) THE DAY ON WHICH EACH CONTRIBUTION WAS RECEIVED;

19 (3) THE AMOUNT OF EACH CONTRIBUTION RECEIVED; AND

20 (4) THE DISPOSITION OF THE AMOUNTS HELD.

21 (C) AN AFFILIATED ENTITY ~~OR GROUP~~ MAY NOT ACCUMULATE THE  
22 CONTRIBUTIONS RECEIVED IN ACCORDANCE WITH THIS SECTION FOR MORE THAN  
23 30 DAYS BEFORE THE AFFILIATED ENTITY ~~OR GROUP~~ SHALL TRANSFER THE  
24 ACCUMULATED CONTRIBUTIONS TO A TREASURER OR SUBTREASURER, IN THEIR  
25 OFFICIAL CAPACITY, OF THE POLITICAL ACTION COMMITTEE, TOGETHER WITH THE  
26 INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

27 (D) IN SOLICITING A MEMBER FOR A CONTRIBUTION BY MEANS OF A JOINT  
28 INVOICE FOR MEMBERSHIP DUES, OR FOR CONTRIBUTIONS TO A POLITICAL ACTION  
29 COMMITTEE ESTABLISHED UNDER FEDERAL LAW, AN AFFILIATED ENTITY ~~OR GROUP~~  
30 SHALL INFORM THE MEMBER:

31 (1) OF THE POLITICAL PURPOSES OF THE POLITICAL ACTION  
32 COMMITTEE; AND

33 (2) OF THE MEMBER'S RIGHT TO REFUSE TO CONTRIBUTE TO THE  
34 ACCOUNT POLITICAL ACTION COMMITTEE WITHOUT REPRISAL.

1 (E) FOR PURPOSES OF ANY CONTRIBUTION AUTHORIZED UNDER THIS  
2 SECTION, A POLITICAL ACTION COMMITTEE ~~AND~~ OR AN AFFILIATED ENTITY OR  
3 GROUP MAY NOT RECEIVE, ACCUMULATE, TRANSFER, OR UTILIZE MONEY OR  
4 ANYTHING OF VALUE SECURED BY:

5 (1) PHYSICAL FORCE;

6 (2) MEMBERSHIP DISCRIMINATION;

7 (3) FINANCIAL OR PROFESSIONAL REPRISALS;

8 (4) THE THREAT OF FORCE, MEMBERSHIP DISCRIMINATION, OR  
9 FINANCIAL OR PROFESSIONAL REPRISALS; OR

10 (5) DUES, FEES, OR OTHER MONEY REQUIRED AS A CONDITION OF  
11 MEMBERSHIP.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2001.