

(PRE-FILED)

By: **The President (Department of Legislative Services - Code Revision)**

Requested: July 1, 2001

Introduced and read first time: January 9, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Election Law

FOR the purpose of adding a new article of the Annotated Code of Maryland, to be designated and known as the "Election Law Article", to revise, restate, renumber, add, transfer, and recodify certain laws relating to the powers and duties of the State and local boards of elections, voter registration, political parties, candidates, petitions, questions, elections, voting, polling places, canvassing, contested elections, and offenses and penalties; revising, restating, and recodifying certain provisions relating to campaign finance, disclosure by persons doing public business, and public financing of elections; repealing a certain provision relating to the placement of certain political posters in certain counties; repealing a certain provision authorizing and empowering the Governor to employ certain clerical help for election business; revising, restating, and transferring certain provisions relating to local government ethics; transferring certain provisions relating to the electronic filing of certain campaign finance reports to the Session Laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and the terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interests, licenses, registrations, certifications, and permits; providing for a delayed effective date; and generally relating to the laws of the State relating to election law.

BY adding

New Article - Election Law
Annotated Code of Maryland

BY transferring

Article 33 - Election Code
Section 1-101 through 1-304, inclusive, and the title "Title 1. Definitions and General Provisions"; 2-101 through 2-303, inclusive, and the title "Title 2. Powers and Duties of the State and Local Boards"; 3-101 through 3-603, inclusive, and the title "Title 3. Voter Registration"; 4-101 through 4-205, inclusive, and the title "Title 4. Political Parties"; 5-101 through 5-1303,

inclusive, and the title "Title 5. Candidates"; 6-101 through 6-211, inclusive, and the title "Title 6. Petitions"; 7-101 through 7-105, inclusive, and the title "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8. Elections"; 9-101 through 9-408, inclusive, and the title "Title 9. Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling Places"; 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604, inclusive, and the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and the title "Title 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and the title "Title 16. Offenses and Penalties"

Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

to be

Article - Election Law

Section 1-101 through 1-304, inclusive, and the title "Title 1. Definitions and General Provisions"; 2-101 through 2-303, inclusive, and the title "Title 2. Powers and Duties of the State and Local Boards"; 3-101 through 3-603, inclusive, and the title "Title 3. Voter Registration"; 4-101 through 4-205, inclusive, and the title "Title 4. Political Parties"; 5-101 through 5-1303, inclusive, and the title "Title 5. Candidates"; 6-101 through 6-211, inclusive, and the title "Title 6. Petitions"; 7-101 through 7-105, inclusive, and the title "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8. Elections"; 9-101 through 9-408, inclusive, and the title "Title 9. Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling Places"; 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604, inclusive, and the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and the title "Title 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and the title "Title 16. Offenses and Penalties"

Annotated Code of Maryland

BY repealing

Article 27 - Crimes and Punishments
Section 452
Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

BY repealing

Article 33 - Election Code
Section 9-104; 13-101, 13-102, the title "Title 13. Campaign Finance", and the subtitle "Subtitle 1. General Provisions"; 13-201 through 13-211.1 and 13-212 through 13-215, inclusive, and the subtitle "Subtitle 2. Fund-Raising"; 13-301 through 13-303, inclusive, and the subtitle "Subtitle 3. Local Provisions"; 13-401, 13-402(a), (b), (c)(2), (d)(1)(ii), (2), and (3), (e), and (f), 13-403, and 13-404, and the subtitle "Subtitle 4.

Reporting Requirements"; 13-501 through 13-504, inclusive, and the subtitle "Subtitle 5. Campaign Materials"; 13-601 through 13-605, inclusive, and the subtitle "Subtitle 6. Prohibited Practices and Penalties"; 14-101 through 14-104, inclusive, and the title "Title 14. Disclosure by Persons Doing Public Business"; and 15-101 through 15-110, inclusive, and the title "Title 15. Public Financing Act"

Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

BY repealing

Article 41 - Governor - Executive and Administrative Departments
Section 2-407
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,

Article - Election Law
Section 1-101, 1-201, 1-303, 2-102, 2-105, 2-203, 2-206, 2-301, 3-202, 3-203, 3-204, 3-403, 3-504, 3-505, 3-507, 3-509, 3-601, 3-602, 4-102, 4-103, 4-202, 4-203, 5-205, 5-301, 5-303, 5-304, 5-901, 5-1002, 5-1003, 5-1004, 5-1204, 7-103, 8-401, 8-502, 8-504, 8-505, 8-701, 8-710, 9-102, 10-101, 10-202, 10-206, 10-303, 11-301, 11-302, 11-302.1, 11-303, 11-303.1, 11-304, 11-305, 11-306, 11-401, 11-601, 11-603, 11-604, 12-101, 12-102, 16-101, 16-201, 16-202, 16-302, 16-303, 16-304, 16-601, 16-701, 16-801, and 16-1001, respectively
Annotated Code of Maryland
(As enacted by Section 2 of this Act)

BY repealing and reenacting, without amendments,

Article - Election Law
Section 1-301, 1-302, 1-304, 2-101, 2-103, 2-104, 2-106, 2-201, 2-202, 2-204, 2-205, 2-207, 2-302, 2-303, 3-101, 3-102, 3-201, 3-301 through 3-304, inclusive, 3-401, 3-402, 3-501 through 3-503, inclusive, 3-506, 3-508, 3-603, 4-101, 4-201, 4-204, 4-205, 5-101, 5-201 through 5-204, inclusive, 5-302, 5-401 through 5-403, inclusive, 5-501 through 5-504, inclusive, 5-601, 5-701 through 5-706, inclusive, 5-801, 5-902 through 5-905, inclusive, 5-1001, 5-1005, 5-1101, 5-1102, 5-1201 through 5-1203, inclusive, 5-1301 through 5-1303, inclusive, 6-101 through 6-103, inclusive, 6-201 through 6-211, inclusive, 7-101, 7-102, 7-104, 7-105, 8-101 through 8-103, inclusive, 8-201 through 8-205, inclusive, 8-301, 8-501, 8-503, 8-601, 8-602, 8-702 through 8-709, inclusive, 8-711, 8-801 through 8-806, inclusive, 9-101, 9-103, 9-105, 9-106, 9-201 through 9-217, inclusive, 9-301 through 9-312, inclusive, 9-401 through 9-408, inclusive, 10-102, 10-201, 10-203 through 10-205, inclusive, 10-207, 10-301, 10-302, 10-304 through 10-315, inclusive, 11-101, 11-201, 11-202, 11-402, 11-403, 11-501 through 11-503, inclusive, 11-602, 12-103

through 12-107, inclusive, 12-201 through 12-204, inclusive, 16-203 through 16-207, inclusive, 16-301, 16-401, 16-501, 16-802, 16-803, 16-804, 16-901, and 16-902

Annotated Code of Maryland
(As enacted by Section 2 of this Act)

BY adding to

Article - Election Law

Section 9-104; 11-601; 13-101 through 13-103, inclusive, to be under the new title "Title 13. Campaign Finance" and the new subtitle "Subtitle 1. General Provisions"; 13-201 through 13-247, inclusive, to be under the new subtitle "Subtitle 2. Campaign Finance Organization and Activity"; 13-301 through 13-341, inclusive, to be under the new subtitle "Subtitle 3. General Reporting Requirements"; 13-401 through 13-409, inclusive, to be under the new subtitle "Subtitle 4. Campaign Materials"; 13-501 through 13-503, inclusive, to be under the new subtitle "Subtitle 5. Local Provisions"; 13-601 through 13-605, inclusive, to be under the new subtitle "Subtitle 6. Prohibited Acts and Penalties"; 14-101 through 14-108, inclusive, to be under the new title "Title 14. Disclosure by Persons Doing Public Business"; and 15-101 through 15-111, inclusive, to be under the new title "Title 15. Public Financing Act"

Annotated Code of Maryland

BY repealing and reenacting, with amendments,

Article - State Government

Section 15-829, 15-831, 15-838, 15-839, 15-848, and 15-849

Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, without amendments,

Article - State Government

Section 15-830, 15-832, 15-833, 15-834, 15-835, 15-840, 15-841, and 15-850

Annotated Code of Maryland
(1999 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session

Laws

Article 33 - Election Code

Section 13-402(c)(1) and (d)(1)(i)

Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Article - Election Law of the Annotated Code of Maryland be added.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s)1-101 through 1-304, inclusive, and the title "Title 1. Definitions and General Provisions"; 2-101 through 2-303, inclusive, and the title "Title 2. Powers and Duties of the State and Local Boards"; 3-101 through 3-603, inclusive, and the title "Title 3. Voter Registration"; 4-101 through 4-205, inclusive, and the title "Title 4. Political Parties"; 5-101 through 5-1303, inclusive, and the title "Title 5. Candidates"; 6-101 through 6-211, inclusive, and the title "Title 6. Petitions"; 7-101 through 7-105, inclusive, and the title "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8. Elections"; 9-101 through 9-408, inclusive, and the title "Title 9. Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling Places"; 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604, inclusive, and the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and the title "Title 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and the title "Title 16. Offenses and Penalties", respectively, of Article 33 of the Annotated Code of Maryland be transferred to be Section(s)1-101 through 1-304, inclusive, and the title "Title 1. Definitions and General Provisions"; 2-101 through 2-303, inclusive, and the title "Title 2. Powers and Duties of the State and Local Boards"; 3-101 through 3-603, inclusive, and the title "Title 3. Voter Registration"; 4-101 through 4-205, inclusive, and the title "Title 4. Political Parties"; 5-101 through 5-1303, inclusive, and the title "Title 5. Candidates"; 6-101 through 6-211, inclusive, and the title "Title 6. Petitions"; 7-101 through 7-106, inclusive, and the title "Title 7. Questions"; 8-101 through 8-806, inclusive, and the title "Title 8. Elections"; 9-101 through 9-408, inclusive, and the title "Title 9. Voting"; 10-101 through 10-315, inclusive, and the title "Title 10. Polling Places"; 11-101 through 11-302, 11-302.1, 11-303, 11-303.1 through 11-604, inclusive, and the title "Title 11. Canvassing"; 12-101 through 12-204, inclusive, and the title "Title 12. Contested Elections"; and 16-101 through 16-1001, inclusive, and the title "Title 16. Offenses and Penalties", respectively, of Article - Election Law of the Annotated Code of Maryland.

SECTION 3. AND BE IT FURTHER ENACTED, That the following Section(s) of the Annotated Code of Maryland be repealed:

Article 27 - Crimes and Punishments

Section 452

Article 33 - Election Code

Section 13-101, 13-102, the title "Title 13. Campaign Finance", and the subtitle "Subtitle 1. General Provisions"; 13-201 through 13-215, inclusive, and the subtitle "Subtitle 2. Fund-Raising"; 13-301 through 13-303, inclusive, and the subtitle "Subtitle 3. Local Provisions"; 13-401, 13-402(a), (b), (c)(2), (d)(1)(ii), (2), and (3), (e), and (f), 13-403, and 13-404, and the subtitle "Subtitle 4. Reporting Requirements"; 13-501 through 13-504, inclusive, and the subtitle "Subtitle 5. Campaign Materials"; 13-601 through 13-605, inclusive, and the subtitle "Subtitle 6. Prohibited Practices and Penalties"; 14-101 through 14-104, inclusive, and the title "Title 14. Disclosure by Persons Doing Public Business"; and 15-101 through 15-110, inclusive, and the title "Title 15. Public Financing Act"

Article 41 - Governor - Executive and Administrative Departments

Section 2-407

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

ARTICLE - ELECTION LAW

Title 1. Definitions and General Provisions.

Subtitle 1. Definitions.

1-101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(a).

No changes are made.

(b) "Absentee ballot" means a ballot not used in a polling place.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(b).

No changes are made.

(c) "Authorized candidate campaign committee" means a political committee established under [§ 13-202] TITLE 13 of this article and authorized by a candidate to promote [that individual's] THE CANDIDATE'S candidacy.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(c).

The only changes are in style.

(d) (1) "Ballot" or "official ballot" includes:

- (i) An absentee ballot;
- (ii) A document ballot; or
- (iii) A voting machine ballot.

(2) "Ballot" or "official ballot" does not include:

- (i) A sample ballot; or
- (ii) A specimen ballot.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(d).

No changes are made.

(e) "Ballot face" means a single side of a sheet on which are printed some or all of the contests to be voted by a voter.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(e).

No changes are made.

(f) "Ballot issue committee" means a political committee that is formed to promote the success or defeat of a question to be submitted to a vote at an election.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(f).

No changes are made.

(g) "Ballot style" means a unique aggregation of contests that make up the ballot for a particular group of voters identified by common characteristics of residence location, party affiliation, or both.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(g).

No changes are made.

(H) "CAMPAIGN FINANCE ENTITY" MEANS:

(1) A PERSONAL TREASURER ESTABLISHED UNDER TITLE 13 OF THIS ARTICLE; OR

(2) A POLITICAL COMMITTEE ESTABLISHED UNDER TITLE 13 OF THIS ARTICLE.

REVISOR'S NOTE: This subsection is new language added for clarity.

(I) "CAMPAIGN FINANCE REPORT" MEANS A REPORT, STATEMENT, AFFIDAVIT, OR OTHER DOCUMENT THAT IS:

(1) AUTHORIZED OR REQUIRED UNDER THIS ARTICLE;

(2) RELATED TO THE CAMPAIGN FINANCE ACTIVITIES OF A CAMPAIGN FINANCE ENTITY OR TO EXPENSES ASSOCIATED WITH A LEGISLATIVE NEWSLETTER; AND

(3) FILED OR SUBMITTED ON A FORM PRESCRIBED BY THE STATE BOARD UNDER THIS ARTICLE.

REVISOR'S NOTE: Items (1) and (2) of this subsection are new language added for clarity and to consolidate various references to a "report", "campaign fund report", "report of contributions and expenditures", "statement", and other similar references for clarity.

Item (3) of this subsection is new language derived from former Art. 33, § 13-402(a).

[(h)] (J) "Campaign manager" means a person designated by a candidate, or the candidate's representative, to exercise general overall responsibility for the conduct of the candidate's political campaign.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(h).

No changes are made.

(K) "CAMPAIGN MATERIAL".

(1) "CAMPAIGN MATERIAL" MEANS ANY MATERIAL THAT:

(I) CONTAINS TEXT, GRAPHICS, OR OTHER IMAGES;

(II) RELATES TO A CANDIDATE, A PROSPECTIVE CANDIDATE, OR THE APPROVAL OR REJECTION OF A QUESTION; AND

(III) IS PUBLISHED OR DISTRIBUTED.

(2) "CAMPAIGN MATERIAL" INCLUDES:

(I) MATERIAL TRANSMITTED BY OR APPEARING ON THE INTERNET OR OTHER ELECTRONIC MEDIUM; AND

(II) AN ORAL COMMERCIAL CAMPAIGN ADVERTISEMENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, §§ 13-501(a)(1) and 13-502(a)(1), as they related to campaign material.

In paragraph (1)(i) of this subsection, the reference to material that contains "text, graphics, or other images" is substituted for the former reference to "... or any other printed, multigraphed, photographed, typewritten, written matter or statement or any matter or statement which may be copied by any device or method or which may hereafter be used for making copies of printed or written matter in any form whatever ..." for brevity and clarity.

Also in paragraph (1)(i) of this subsection, the former list of examples of campaign materials, "pamphlet, circular, card, ... nail files, [and] balloons," is deleted as unnecessary in light of the comprehensive reference to "any material that ... contains text, graphics, or other images".

In paragraph (1)(ii) of this subsection, the former phrase "for public or party office" is deleted as included in the definition of "candidate".

Also in paragraph (1)(ii) of this subsection, the term "question" is substituted for the former reference to a "proposition" for consistency with terminology used elsewhere in this article.

In paragraph (2)(ii) of this subsection, the phrase "an oral commercial

campaign advertisement" is added for accuracy, clarity, and consistency with § 13-401 of this article.

[(i)] (L) (1) "Candidate" means an individual who files a certificate of candidacy for a public or party office.

(2) "Candidate" includes:

(i) An incumbent judge of the Court of Appeals or Court of Special Appeals at an election for continuance in office; and

(ii) An individual, prior to that individual filing a certificate of candidacy, if a [filing under § 13-201 or § 13-202 of this article] CAMPAIGN FINANCE ENTITY has been [made] ESTABLISHED on behalf of that individual.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 1-101(i).

The reference to the establishment of a "campaign finance entity" is substituted for the former reference to making a "filing" under Title 13 of this article for clarity and consistency with terminology used throughout this article.

[(j)] (M) (1) "Contest" means:

(i) The aggregate of candidates who run against each other or among themselves for nomination for, or election to, an office or multiple offices of the same category; or

(ii) The positive and negative voting options for a question submitted to the voters.

(2) "Contest" includes, in a general election for an office, the write-in option.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(j).

No changes are made.

(N) "CONTINUING POLITICAL COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS PERMITTED TO CONTINUE IN EXISTENCE FROM YEAR TO YEAR.

REVISOR'S NOTE: This subsection is new language added for clarity and to conform to terminology used in Title 13 of this article.

[(k)] (O) (1) "Contribution" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a [candidate, the candidate's representative, or a representative of any political party or partisan organization] CAMPAIGN FINANCE ENTITY to promote or assist in the promotion of the success or defeat of a candidate, political party, or question.

(2) "Contribution" includes proceeds from the sale of tickets to a campaign fund-raising event.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(k).

The defined term "campaign finance entity" is substituted for the former reference to a "candidate, the candidate's representative, or a representative of any political party or partisan organization" for clarity and to conform to terminology used throughout this article. *See* General Revisor's Note to this title.

No other changes are made.

[(l)] (P) "County" means a county of the State or Baltimore City.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(l).

No changes are made.

[(s)] (Q) ["Handicapped"] "DISABLED" means having a temporary or permanent physical disability.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(s).

The defined term "disabled" is substituted for the former defined term "handicapped" to conform to current terminology used throughout the Code.

No other changes are made.

(R) "DISTRIBUTOR".

(1) "DISTRIBUTOR" MEANS A PERSON ENGAGED FOR PROFIT IN THE DISTRIBUTION OF CAMPAIGN MATERIAL BY HAND DELIVERY OR DIRECT MAIL.

(2) "DISTRIBUTOR" DOES NOT INCLUDE SALARIED EMPLOYEES, AGENTS, OR VOLUNTEERS OF THE PERSON.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 13-502(b).

The former references to "persons, partnership, or corporation" and to "persons, partnerships, or corporations" are deleted as included in the comprehensive reference to a person. *See* Art. 1, § 15.

The defined term "campaign material" is substituted for the former reference to "circulars, pamphlets, and other advertisements" for clarity.

[(m)] (S) (1) "Document ballot" means a ballot used with a voting system in which the voter individually is issued a ballot on which to indicate one or more votes.

(2) "Document ballot" includes:

- (i) A machine-read ballot, such as an optically scanned ballot or punchcard ballot; and
- (ii) A hand-counted paper ballot.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(m).

No changes are made.

[(n)] (T) "Driver's license" includes an identification card issued by the Motor Vehicle Administration.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(n).

No changes are made.

[(o)] (U) "Elderly" means 65 years of age or older.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(o).

No changes are made.

[(p)] (V) (1) "Election" means the process by which voters cast votes on one or more contests under the laws of this State or the United States.

(2) "Election" includes, unless otherwise specifically provided in this article, all general elections, primary elections, and special elections.

(3) "Election" does not include, unless otherwise specifically provided in this article, a municipal election other than in Baltimore City.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(p).

No changes are made.

(W) "ELECTION CYCLE" MEANS THE PERIOD THAT BEGINS ON THE JANUARY 1 THAT FOLLOWS A GUBERNATORIAL ELECTION AND CONTINUES UNTIL THE DECEMBER 31 THAT IS 4 YEARS LATER.

REVISOR'S NOTE: This subsection is new language added for clarity.

[(q)] (X) "Electronic storage format" means a computer disk or other information storage and retrieval medium approved by the State Board.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(q).

No changes are made.

[(r)] (Y) "Expenditure" means a gift, transfer, disbursement, or promise of money or a thing of value by OR ON BEHALF OF a [candidate, treasurer, or other agent of the candidate, political party, or partisan organization] CAMPAIGN FINANCE ENTITY to:

- (1) Promote or assist in the promotion of the success or defeat of a candidate, political party, or question at an election; or
- (2) Pay for the publication expense of a legislative newsletter under [§ 13-503] TITLE 13, SUBTITLE 4 of this article.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 1-101(r).

The phrase "on behalf of" is added for clarity and accuracy.

The reference to a "campaign finance entity" is substituted for the former reference to a "candidate, treasurer, or other agent of the candidate, political party, or partisan organization" for clarity and to conform to terminology used throughout this article.

[(t)] (Z) "Independent expenditure" means an expenditure by a person [or political committee] to aid or promote the success or defeat of a candidate [that] IF THE EXPENDITURE is not made in coordination with, or at the request or suggestion of, [a] THE candidate [or authorized committee or agent], A CAMPAIGN FINANCE ENTITY of the candidate, OR AN AGENT OF THE CANDIDATE.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(t).

The defined term "campaign finance entity" is substituted for the former reference to "authorized committee" of the candidate for clarity and consistency with terminology used in Title 13 of this article.

[(u)] (AA) "Infamous crime" means any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(u).

No changes are made.

[(v)] (BB) "Local board" means a county board of elections.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(v).

No changes are made.

[(w)] (CC) "Majority party" means the political party to which the incumbent Governor belongs, if the incumbent Governor is a member of a principal political party. If the incumbent Governor is not a member of one of the two principal political parties, "majority party" means the principal political party whose candidate for

Governor received the highest number of votes of any party candidate at the last preceding general election.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(w).

No changes are made.

[(x)] (DD) "Partisan organization" means a combination of two or more individuals formed for the purpose of organizing a new political party.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(x).

No changes are made.

[(y)] (EE) "Political action committee" means a political committee that is not:

- (1) A political party;
- (2) A central committee;
- (3) A slate;
- (4) A political committee organized and operated solely to support or oppose a single candidate; or
- (5) A political committee organized and operated solely to support or oppose a ballot issue.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(y).

No changes are made.

[(z)] (FF) "Political committee" means a combination of two or more individuals that assists or attempts to assist in promoting the success or defeat of a candidate, political party, or question submitted to a vote at any election.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(z).

No changes are made.

[(aa)] (GG) "Political party" means an organized group that is qualified as a political party in accordance with Title 4 of this article.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(aa).

No changes are made.

[(bb)] (HH) "Precinct" includes:

- (1) An election district in a county that is not divided into precincts;

(2) An election precinct in an election district that is divided into precincts; or

(3) A precinct in a ward of the City of Baltimore.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(bb).

No changes are made.

[(cc)] (II) "Precinct register" means the list of voters for a single precinct.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(cc).

No changes are made.

[(dd)] (JJ) "Principal minority party" means the principal political party whose candidate for Governor received the second highest number of votes of any party candidate at the last preceding general election.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(dd).

No changes are made.

[(ee)] (KK) "Principal political parties" means the majority party and the principal minority party.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(ee).

No changes are made.

[(ff)] (LL) "Provisional ballot" means a ballot distributed to an individual on election day by the local board at the precinct where the individual has completed a temporary certificate of registration.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(ff).

No changes are made.

[(gg)] (MM) "Registered voter" does not include an individual whose name is on a list of inactive voters.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(gg).

No changes are made.

(NN) "RESPONSIBLE OFFICERS".

"RESPONSIBLE OFFICERS" MEANS:

(1) WITH RESPECT TO A PERSONAL TREASURER, THE CANDIDATE AND TREASURER; AND

(2) WITH RESPECT TO A POLITICAL COMMITTEE, THE CHAIRMAN AND TREASURER.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 13-401(c).

[(hh)] (OO) "Sample ballot" means a facsimile of a ballot used for informational purposes by a person or entity other than a local board.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(hh).

No changes are made.

[(ii)] (PP) "Slate" means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(ii).

No changes are made.

[(jj)] (QQ) "Specimen ballot" means a facsimile of a ballot used by a local board to provide notice to registered voters of the contents of the ballot.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(jj).

No changes are made.

[(kk)] (RR) "State Administrator" means the State Administrator of Elections.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(kk).

No changes are made.

[(ll)] (SS) "State Board" means the State Board of Elections.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(ll).

No changes are made.

(TT) "TRANSFER" MEANS A MONETARY CONTRIBUTION THAT IS MADE BY ONE CAMPAIGN FINANCE ENTITY TO ANOTHER CAMPAIGN FINANCE ENTITY, OTHER THAN ONE MADE BY OR TO A POLITICAL CLUB.

REVISOR'S NOTE: This subsection is new language added to distinguish a payment from one campaign finance entity to another campaign finance entity from a payment from a person other than a campaign finance entity to a campaign finance entity and for consistency with Title 13 of this article.

[(mm)] (UU) "Treasurer" means an individual appointed [by a candidate, political agent, political committee, political party, or partisan organization to receive

or disburse money or other things of value to promote or assist in the promotion of the success or defeat of a candidate, political party, or question submitted to a vote at an election] IN ACCORDANCE WITH TITLE 13, SUBTITLE 2 OF THIS ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(mm).

The former phrase "by a candidate, political agent, political committee, political party, or partisan organization to receive or disburse money or other things of value to promote or assist in the promotion of the success or defeat of a candidate, political party, or question submitted to a vote at an election" is deleted as surplusage and in light of the provisions in Title 13, Subtitle 2 of this article governing the appointment of a treasurer by a campaign finance entity.

The only other changes are in style.

[(nn)] (VV) "Voting machine" includes:

- (1) A mechanical lever machine; and
- (2) A direct recording electronic voting device.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(nn).

No changes are made.

[(oo)] (WW) "Voting machine ballot" means a ballot posted on or in the voting machine and referred to by the voter to indicate the voting locations for each contest.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(oo).

No changes are made.

[(pp)] (XX) "Voting system" means a method of casting and tabulating ballots or votes.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(pp).

No changes are made.

[(qq)] (YY) "Write-in candidate" means an individual whose name will not appear on the ballot but who files a certificate of candidacy in accordance with § 5-303 of this article.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(qq).

No changes are made.

[(rr)] (ZZ) "Write-in vote" means a vote cast, in a contest at a general election, for an individual whose name is not on the ballot for that contest.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 1-101(rr).

No changes are made.

Subtitle 2. Statement of Purpose.

1-201.

The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that:

- (1) All persons served by the election system are treated fairly and equitably;
- (2) All qualified persons may register and vote and that those who are not qualified do not vote;
- (3) Those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;
- (4) Full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;
- (5) Citizen convenience is emphasized in all aspects of the election process;
- (6) Security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results; [and]
- (7) The prevention of fraud and corruption is diligently [pursued,] PURSUED; and
- (8) Any offenses that occur are prosecuted.

REVISOR'S NOTE: This section formerly was Art. 33, § 1-201.

The only changes are in style.

Subtitle 3. General Provisions.

1-301.

- (a) (1) Except as provided in subsection (b) of this section, in computing the time under this article for performing an act, Saturdays, Sundays, and legal holidays shall be included.
- (2) In a computation of time under this article, the day of performing an act and the day of registration or election shall be excluded.

(b) If a computation of time would require an act to be performed on a Saturday, Sunday, or legal holiday, the act shall be performed on the next regular business day following that Saturday, Sunday, or legal holiday.

REVISOR'S NOTE: This section formerly was Art. 33, § 1-301.

No changes are made.

1-302.

(a) Except as provided in subsection (b) of this section, the filing of any document specified in this article may be made by electronic facsimile transmittal.

(b) A document may not be filed by electronic facsimile transmittal if the document is required to contain a signed affidavit.

REVISOR'S NOTE: This section formerly was Art. 33, § 1-302.

No changes are made.

1-303.

(a) In this section, "voter information material" means:

(1) Campaign literature that is [subject to the provisions] CAMPAIGN MATERIAL UNDER TITLE 13, SUBTITLE 4 of this article; or

(2) Registration or voting information issued by the State Board or a local board.

(b) This section applies only:

(1) In Montgomery County; and

(2) To apartment buildings, condominiums, or other multifamily residential structures where access to the entrance of individual residential units is restricted by the owner or governing board of the entire structure.

(c) (1) The owner or governing board of a multifamily residential structure shall designate a public area within the structure where, for the 60-day period immediately prior to each primary election and general election, voter information material may be distributed or deposited.

(2) The designated public area shall be readily accessible to the residents of the structure.

(3) Voter information material deposited in the designated public area shall remain available for residents of the structure for a period of at least 10 days.

(d) Upon written notification by a person whose rights under this section were violated, the local board shall:

- (1) Notify the owner or governing board regarding the apparent violation and the requirements of this section; and
- (2) Request compliance with the requirements of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 1-303.

In subsection (a)(1) of this section, the phrase "campaign material under Title 13, Subtitle 4" is substituted for the former phrase "subject to the provisions" of this article for clarity.

Defined terms: "Campaign material" § 1-101

"Election" § 1-101

"Local board" § 1-101

"State Board" § 1-101

1-304.

This article does not preempt restrictions on political activities that are:

- (1) Provided in or authorized by the Montgomery County Charter; and
- (2) Imposed on any of the following individuals:
 - (i) An officer or employee of the Montgomery County government who serves in a quasi-judicial capacity; or
 - (ii) A member of a Montgomery County government board or commission who serves in a quasi-judicial capacity.

REVISOR'S NOTE: This section formerly was Art. 33, § 1-304.

No changes are made.

Title 2. Powers and Duties of the State and Local Boards.

Subtitle 1. State Board.

2-101.

- (a) There is a State Board of Elections consisting of five members.
- (b) The State Board shall maintain its principal office in Annapolis and have staff, subject to the State Personnel and Pensions Article, as provided in the State budget.
- (c) Each member of the State Board shall:
 - (1) Subject to subsection (g)(2) of this section, be appointed by the Governor, with the advice and consent of the Senate of Maryland;

- (2) Be a registered voter in the State for the 5 years immediately preceding the appointment;
- (3) Subject to subsection (f)(3) of this section, be eligible for reappointment;
- (4) Conform to the restrictions specified under § 2-301 of this title; and
- (5) Be subject to removal by the Governor for incompetence, misconduct, or other good cause, upon written charges filed by the Governor with the State Board and after having been afforded notice and ample opportunity to be heard.

(d) Before taking office, each appointee to the State Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(e) (1) Each member of the State Board shall be a member of one of the principal political parties.

(2) A person may not be appointed to the State Board if the appointment will result in the State Board having more than three or fewer than two members of the same principal political party.

(f) (1) The term of a member is 4 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the State Board on July 1, 1999.

(3) A member may not serve more than three consecutive terms.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(g) (1) If a vacancy occurs on the State Board, it shall be filled for the remainder of the unexpired term and until a successor is appointed and qualifies.

(2) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

(h) Not later than August 1 each year, the State Board shall elect one of its members as chairman.

(i) Each member shall receive:

(1) Per diem compensation as provided in the State budget for each day that the member is actually engaged in the discharge of official duties, as authorized by the State Board and in accordance with the State budget; and

(2) Reimbursement for all necessary and proper expenses, as provided in the State budget.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-101.

No changes are made.

2-102.

(a) The State Board shall manage and supervise elections in the State and ensure compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process.

(b) In exercising its authority under this article and in order to ensure compliance with this article and with any requirements of federal law, the State Board shall:

- (1) Supervise the conduct of elections in the State;
- (2) Direct, support, monitor, and evaluate the activities of each local board;
- (3) Have a staff sufficient to perform its functions;
- (4) Adopt regulations to implement its powers and duties;
- (5) Receive, and in its discretion audit, [the] campaign finance reports [and statements required under Title 13 of this article];
- (6) Appoint a State Administrator in accordance with § 2-103 of this subtitle;
- (7) Maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;
- (8) Canvass and certify the results of elections as prescribed by law;
- (9) Make available to the general public, in a timely and efficient manner, information on the electoral process, including a publication that includes the text of this article, relevant portions of the Maryland Constitution, and information gathered and maintained regarding elections;
- (10) [Receive,] SUBJECT TO §§ 2-106 AND 13-341 OF THIS ARTICLE, RECEIVE, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation; and
- (11) Prescribe all forms required under this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-102.

In subsection (b)(5) of this section, the former reference to "statements required under Title 13 of this article" is deleted in light of the use of the defined term "campaign finance report[s]".

In subsection (b)(10) of this section, the phrase "subject to §§ 2-106 and 13-341 of this article," is added for clarity.

Defined terms: "Campaign finance report" § 1-101

"Election" § 1-101

"Local board" § 1-101

"State Administrator" § 1-101

"State Board" § 1-101

2-103.

(a) There is a State Administrator of Elections.

(b) The State Administrator shall:

(1) Be appointed by and serve at the pleasure of the State Board;

(2) Receive a salary as provided in the State budget;

(3) As provided in the State budget, employ and supervise:

(i) A deputy administrator; and

(ii) Pursuant to the State Personnel and Pensions Article, other staff of the State Board;

(4) Supervise the operations of the local boards;

(5) Perform all duties and exercise all powers that are assigned by law to the State Administrator or delegated by the State Board;

(6) Be subject to removal by the affirmative vote of four members of the State Board for incompetence, misconduct, or other good cause; however, prior to removal, the State Board shall set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard; and

(7) Be the chief State election official.

(c) Before taking office, the appointee to the office of State Administrator shall take the oath required by Article I, § 9 of the Maryland Constitution.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-103.

No changes are made.

2-104.

(a) In the year preceding each year in which a primary and general election is to be held throughout the State, the State Board shall conduct a meeting for the members of the local boards.

(b) Unless excused by the State Administrator in accordance with regulations of the State Board, the following individuals are required to attend the meeting:

(1) The members, substitute members, counsel, and election director of each local board; and

(2) Any other individuals designated by the State Board or a local board to attend the meeting.

(c) (1) The meeting shall be held at a time and place and continue for such period of time as the State Board considers necessary.

(2) The purpose of the meeting is to instruct the members of the local boards, the election directors, the counsel to local boards, and the other employees who are in attendance, concerning their duties in the conduct of elections.

(d) Each member, substitute member, election director, counsel, or other employee who is required or authorized to attend the meeting shall be reimbursed by the county government:

(1) For all reasonable expenses for each day that the individual attends the meeting; and

(2) For mileage from the individual's place of residence to the place of meeting and return, in accordance with the Standard State Travel Regulations.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-104.

No changes are made.

2-105.

In any judicial proceeding in which a local board is a party, the State Board:

(1) [Shall be provided a copy of the proceedings by certified mail, immediately after the action has been filed] IMMEDIATELY AFTER THE ACTION HAS BEEN FILED, SHALL BE PROVIDED BY CERTIFIED MAIL BY THE LOCAL BOARD WITH A COPY OF THE COMPLAINT OR OTHER PLEADING THAT INITIATED THE PROCEEDING; and

(2) May join as a party to the proceeding.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-105.

In item (1) of this section, the requirement that the "local board" provide the State Board with a copy of the complaint or other pleading is added for clarity.

The only other changes are in style.

Defined term: "State Board" § 1-101

2-106.

(a) The State Board and each local board shall maintain and dispose of its public records in accordance with the program for records management adopted by the State Board under Title 10, Subtitle 6, Part IV of the State Government Article.

(b) If produced and proved by a representative of the applicable board, a copy of a public record that is certified by and kept under the seal of the principal administrative officer of that board shall be evidence in any court to the same extent as the original record.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-106.

No changes are made.

Subtitle 2. Local Boards.

2-201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsection (j) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) In the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(c) Each regular and substitute member of a local board shall:

(1) Be appointed in accordance with subsection (g) of this section;

(2) Be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) Be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent Counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

(h) (1) If a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) The substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) The Governor shall appoint an eligible person from the same political party to be the new substitute member.

(2) If a substitute member of a local board becomes a regular member as provided in paragraph (1)(ii) of this subsection, dies, resigns, is removed, or becomes

ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) The adjournment of the next session of the General Assembly;

or

(ii) The appointment of another individual to fill the same vacancy.

(i) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

(j) (1) In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-201.

No changes are made.

2-202.

(a) Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation.

(b) Each local board, in accordance with the provisions of this article and regulations adopted by the State Board, shall:

(1) Oversee the conduct of all elections held in its county and ensure that the elections process is conducted in an open, convenient, and impartial manner;

(2) Pursuant to the State Personnel and Pensions Article, or its county merit system, whichever is applicable, appoint an election director to manage the operations and supervise the staff of the local board;

(3) Maintain an office and be open for business as provided in this article, and provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including:

(i) Supplies and equipment required by the State Board; and

(ii) Office and polling place equipment expenses.

(4) Adopt any regulation it considers necessary to perform its duties under this article, which regulation shall become effective when it is filed with and approved by the State Board;

(5) Serve as the local board of canvassers and certify the results of each election conducted by the local board;

(6) Establish and alter the boundaries and number of precincts in accordance with § 2-303 of this title, and provide a suitable polling place for each precinct, and assign voters to precincts;

(7) Provide to the general public timely information and notice, by publication or mail, concerning voter registration and elections;

(8) Make determinations and hear and decide challenges and appeals as provided by law;

(9) (i) Aid in the prosecution of an offense under this article; and
 (ii) When the board finds there is probable cause to believe an offense has been committed, refer the matter to the appropriate prosecutorial authority; and

(10) Maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2-106 of this title.

(c) In Garrett County, following each decennial census of the United States, the local board shall:

(1) Evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population; and

(2) Recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-202.

No changes are made.

2-203.

Each county shall appropriate the funds essential for the operations of its local board to enable the local board to pay the [necessary and] reasonable expenses incurred by the local board to exercise the powers and perform the duties prescribed for it by law, including:

(1) Personnel expenses, such as compensation, workers' compensation, and unemployment insurance;

(2) Polling place operation expenses; and

- (3) Supplies and equipment required under § 2-202(b)(3) of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-203.

The only changes are in style.

2-204.

(a) Each regular member of a local board shall receive the salary and reimbursement of expenses provided in the county budget, but in no event may the annual compensation be less than the following amounts:

- (1) In Allegany County, the amount set by the County Commissioners under Article 24, Title 12, Subtitle 1 of the Code;
- (2) In Anne Arundel County, \$2,400;
- (3) In Baltimore City, \$11,000 for the president and \$10,000 for other regular members;
- (4) In Baltimore County, \$4,000 for the president and \$3,000 for other regular members;
- (5) In Calvert County, \$3,000 and reimbursement for expenses in the performance of their duties;
- (6) In Caroline County, \$2,750 for the president, \$2,500 for other regular members, and reimbursement for expenses incurred in the performance of election duties in accordance with the Standard State Travel Regulations;
- (7) In Carroll County, \$3,000;
- (8) In Cecil County, \$1,250 for the president, \$1,000 for other regular members, and reimbursement for actual expenses incurred in the performance of election activities which occur outside the County;
- (9) In Charles County, \$800;
- (10) In Dorchester County, \$3,000 and expenses as authorized by the County Commissioners;
- (11) In Frederick County, \$2,100;
- (12) In Garrett County, the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County;
- (13) In Harford County, \$2,000 for the president and \$1,700 for other regular members;
- (14) In Howard County, \$2,800 for the president and \$2,000 for other regular members;

(15) In Kent County, \$1,500 for the president and \$1,500 for other regular members;

(16) In Montgomery County, \$5,000 for the president and \$4,500 for other regular members;

(17) In Prince George's County, \$5,000 for the president and \$4,500 for other regular members;

(18) In Queen Anne's County, \$1,500 for the president and \$1,200 for other regular members;

(19) In St. Mary's County, \$800;

(20) In Somerset County, \$1,000;

(21) In Talbot County, \$600;

(22) In Washington County, \$5,000 for the president and \$4,500 for other regular members;

(23) In Wicomico County, \$2,400 for the president and \$1,800 for other regular members; and

(24) In Worcester County, \$1,500 for the president and \$1,200 for other regular members.

(b) (1) Consistent with paragraph (2) of this subsection, each substitute member shall be compensated for each day of service as provided in the county budget.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a substitute member shall be compensated at a rate of at least \$25 for each meeting of the local board that the substitute member attends.

(ii) 1. In Baltimore City, a substitute member shall be paid \$150 for each meeting that the substitute member attends.

2. In Calvert County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

3. In Garrett County, a substitute member shall be paid the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County.

4. In Kent County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

5. In Wicomico County, a substitute member shall be paid \$1,200 annually.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-204.

No changes are made.

2-205.

(a) Each local board may appoint or retain as counsel an individual who is:

- (1) A registered voter of its county; and
- (2) Admitted to practice law in the State.

(b) (1) Except as provided in paragraph (2) of this subsection, the salary of counsel shall be set by the local board in accordance with the county budget.

(2) (i) In Anne Arundel County, the counsel may not be compensated less than the salary of a local board member.

(ii) In Baltimore County, the counsel may not be compensated less than \$2,000.

(iii) In Montgomery County, the counsel shall receive an annual salary of \$2,000.

(iv) In Prince George's County, the counsel shall receive an annual salary of \$4,500.

(v) In Wicomico County, the counsel shall receive an annual salary of \$1,200, paid in equal quarterly installments by the county council.

(vi) In Worcester County, the counsel shall receive an annual salary as provided in the county budget, but not less than \$800.

(c) In accordance with the county budget and in addition to the compensation specified in subsection (b) of this section, each local board may provide counsel with appropriate additional compensation for services that the local board determines are necessary.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-205.

No changes are made.

2-206.

(a) Subject to the requirements of this article and the policies and guidance of the local board, the election director may:

- (1) Appoint the employees of the local board;
- (2) Train judges of election;

- (3) Give notice of elections;
 - (4) Submit voter registration reports to the State Board;
 - (5) Subject to subsection (b) of this section, issue a temporary certificate of registration to a voter on election day;
 - (6) Initiate and conduct any program approved by the State Board to identify, notify, and remove from the voter registration rolls any registrant who has become ineligible due to a change of address;
 - (7) Upon the request of an elderly or [handicapped] DISABLED voter whose polling place is not structurally barrier free, provide an alternate polling place to the voter;
 - (8) Issue voter acknowledgment notices and voter notification cards;
 - (9) Receive certificates of candidacy;
 - (10) Verify nominating petitions;
 - (11) Receive and maintain [campaign fund reports]CAMPAIGN FINANCE REPORTS;
 - (12) In consultation with the local board, conduct the canvass following an election; and
 - (13) Subject to subsection (b) of this section, process and reject absentee ballot applications.
- (b) A voter may appeal a decision of the election director to the local board regarding:
- (1) The issuance of a temporary certificate of registration on election day under subsection (a)(5) of this section; and
 - (2) The rejection of an absentee ballot application under subsection (a)(13) of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-206.

In subsection (a)(7) of this section, the defined word "disabled" is substituted for the former defined word "handicapped". *See* § 1-101 of this article.

In subsection (a)(11) of this section, the reference to the defined term "campaign finance report[s]" is substituted for the former reference to "campaign fund reports" for consistency with other provisions of this article. *See* General Revisor's Note to Title 13 of this article.

No other changes are made.

2-207.

(a) (1) This section applies to each employee of a local board.

(2) This section does not apply to:

(i) Local board counsel; or

(ii) An election judge.

(b) This section does not alter in any manner the method by which the salary of an employee of a local board is funded by the county in which the employee is employed.

(c) (1) Except as provided in subsection (f) of this section, if the employees of a local board are covered by its county merit system:

(i) The employees shall be classified employees under the county merit system; and

(ii) The employees may be appointed and removed subject to the personnel regulations of the county in which the local board is located.

(2) If the employees of a local board are not covered by its county merit system:

(i) The employees shall be in the skilled service or professional service of the State Personnel Management System;

(ii) Appointment and removal of the employees shall be in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees; and

(iii) Notwithstanding § 4-201 of the State Personnel and Pensions Article, upon recommendation of the State Administrator, the State Board shall determine the fixed rate of compensation of the employees.

(d) Each classified employee shall be a registered voter of the State.

(e) An employee of a local board is subject to the restrictions and requirements of § 2-301 of this article.

(f) The elections administrator in Prince George's County shall be in the exempt service under the Prince George's County Personnel System.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-207.

No changes are made.

Subtitle 3. Provisions Generally Applicable.

2-301.

(a) This section applies to:

- (1) A member of the State Board;
- (2) A regular or substitute member of a local board;
- (3) The State Administrator;
- (4) An employee of the State Board or of a local board, including the election director and the elections administrator of a board;
- (5) Counsel appointed under § 2-205 of this title; and
- (6) An election judge.

(b) (1) An individual subject to this section may not, while holding the position:

(i) Hold or be a candidate for any elective PUBLIC or political party office or any other office created under the Constitution or laws of this State;

(ii) Use the individual's official authority for the purpose of influencing or affecting the result of an election; or

(iii) Except as provided in paragraph (2) of this subsection, AS TO ANY CANDIDATE OR ANY MATTER THAT IS SUBJECT TO AN ELECTION UNDER THIS ARTICLE:

1. [take an] BE A CAMPAIGN MANAGER;

2. BE A TREASURER OR SUBTREASURER FOR A CAMPAIGN FINANCE ENTITY; OR

3. TAKE ANY OTHER active part in political management or a political campaign [related to any candidate or any matter that is subject to an election under this article].

(2) Notwithstanding paragraph (1)(iii) of this subsection, AN ELECTION JUDGE MAY ENGAGE IN THE ACTIVITIES OF A POLITICAL CAMPAIGN, except:

(I) [while] WHILE performing official duties on election day[, an election judge may engage in the activities of a political campaign, other than]; AND

(II) BY serving as a campaign manager for a candidate or as the treasurer for a [candidate or committee]CAMPAIGN FINANCE ENTITY.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-301.

This section is revised to incorporate former Art. 33, § 13-201(a), to the extent the provisions of former Art. 33, § 13-201(a) were not already incorporated in this section.

The Election Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (b)(2) of this section is revised to allow an election judge, except on election day, to participate in some political activities, and thereby resolve the inconsistency between this section and former Art. 33, § 13-201(a)(3), which established an absolute prohibition against a part-time or temporary employee of the State Board or a local board serving as a campaign manager, treasurer, or subtreasurer. The Election Law Article Review Committee calls the resolution of this inconsistency to the attention of the General Assembly.

2-302.

(a) (1) The State Board shall be open for business during regular business hours on each State government workday.

(2) The State Board shall remain open until 9 p.m. on the last day for:

(i) The filing of a certificate of candidacy for each election conducted under this article; and

(ii) The close of voter registration prior to each election conducted under this article.

(b) (1) Each local board shall be open for business:

(i) On each day that is a county government workday in its county;

(ii) On each election day; and

(iii) Until 9 p.m. on the last day for:

1. The filing of a certificate of candidacy for an election conducted in the county, if a certificate can be filed with the local board;

2. The close of voter registration prior to each election held in the county; and

3. The filing of an application by a voter for a change in party affiliation.

(2) The members of each local board shall be available as needed on an election day and during the canvass of each election.

(3) The hours that a local board is open for business:

(i) May be the same as the regular business hours of its county government; or

(ii) For the convenience of the public, may be different from the regular business hours of its county government, except that the number of business hours the office is open each business day must be at least equivalent to the number of business hours that the county government is open.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-302.

No changes are made.

2-303.

(a) As it deems it expedient for the convenience of voters, a local board may:

(1) Create and alter the boundaries for precincts in the county;

(2) Designate the location for polling places in any election district, ward, or precinct in the county; and

(3) Combine or abolish precincts.

(b) Except as provided in subsection (e) of this section, a local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday that is 13 weeks prior to a primary election, through the day of the general election.

(c) Any precinct boundary established by a local board subsequent to July 1, 1987 shall follow visible features as defined by the Bureau of the Census, United States Department of Commerce.

(d) Within 5 days of creating a new precinct or changing a precinct boundary, a local board shall send to the State Administrator a written description of the new boundary and a map of the area involved.

(e) (1) Unless the action is approved in advance by the State Administrator, during the period January 1, in the second year preceding the decennial census, through December 1, in the second year following the decennial census, a local board may not create a new precinct or change a precinct boundary.

(2) Upon receipt of the written description and map relating to a precinct boundary established during the period described in paragraph (1) of this subsection, the State Administrator shall immediately forward the documents to the Secretary of the Department of Planning and the Executive Director of the Department of Legislative Services.

(f) Notwithstanding any restrictions imposed by this section, subject to the approval of the State Board, a local board may create a new precinct or change a precinct boundary if the local board determines that an emergency exists.

(g) (1) The regulations adopted by the State Board shall include procedures for the creation of new precincts and changes to precinct boundaries.

(2) A local board may create a new precinct or make a change in a precinct boundary only in accordance with regulations adopted by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 2-303.

No changes are made.

Title 3. Voter Registration.

Subtitle 1. Registration - Generally.

3-101.

(a) The local board in each county shall:

(1) Register currently unregistered voters who reside in that county; and

(2) Add to the voter registry all currently registered voters who move into the county from another county in the State.

(b) Registration shall be conducted continuously under the supervision of the State Board and in accordance with the provisions of this title, applicable federal law, and regulations adopted by the State Board.

(c) The local board for each county shall maintain the voter registry for that county and shall be responsible for its accuracy and currency.

(d) A voter:

(1) If registered in a county in the State, shall remain registered when the voter moves to another county in the State; and

(2) May not be required to register again unless the voter's registration is canceled pursuant to Subtitle 5 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-101.

No changes are made.

3-102.

(a) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

(1) Is a citizen of the United States;

(2) Is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;

register; and

(3) Is a resident of the county as of the day the individual seeks to

(4) Registers pursuant to this title.

(b) An individual is not qualified to be a registered voter if the individual:

individual:

(1) Has been convicted of theft or other infamous crime, unless the

(i) Has been pardoned; or

(ii) In connection with a first conviction, has completed the sentence imposed for the conviction, including probation;

(2) Is under guardianship for mental disability; or

(3) Has been convicted of buying or selling votes.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-102.

No changes are made.

Subtitle 2. Methods of Application.

3-201.

An individual may apply to become a registered voter:

(1) At a local board office or the State Board office;

(2) At a registration site administered by a local board;

(3) By mail;

(4) When applying to the Motor Vehicle Administration for the issuance, renewal, or modification of a driver's license or identification card;

(5) When applying for services at a voter registration agency; or

(6) With the assistance of a volunteer authorized by the State or local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-201.

No changes are made.

3-202.

(a) (1) The statewide voter registration application shall:

(i) Require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

AND (ii) State the penalties for the submission of a false application;

(iii) Provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) The qualifications to become a registered voter;

(ii) If an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) If an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(iv) Notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner.

(3) The statewide voter registration application may not require:

(i) Notarization or other formal authentication; or

(ii) Any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. A voter registration application produced by a local board with the approval of the State Board;

2. As provided in subsection (b) of this section;

3. As provided in § 3-203(b) of this subtitle; or

4. Any other form prescribed by federal law for voter registration.

(b) The voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 shall be accepted by the appropriate election official for purposes of voter registration.

(c) The [applications] APPLICATION described in this section may be used by [registered voters] A REGISTERED VOTER to change [their] THE VOTER'S name, address, or party affiliation.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-202.

The only changes are in style.

Defined terms: "Election" § 1-101

"Local board" § 1-101

"State Board" § 1-101

3-203.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) Applies for or renews a driver's license or identification card; or

(2) Changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(2) If the applicant chooses to register to vote or to update a voter registration record:

(i) All applicable information received by the Motor Vehicle Administration in the course of completing a transaction under subsection (a) of this section shall be transferred to a voter registration application;

(ii) Any additional necessary information shall be obtained by the Motor Vehicle Administration and may not duplicate any information already obtained while completing a transaction under subsection (a) of this section; and

(iii) A voter registration application with all of the applicant's voter registration information shall be presented to the applicant to sign or affirm electronically.

(3) (i) An applicant may decline to register to vote, update the applicant's voter registration record, or change the applicant's name or address by:

1. Affirmatively indicating as such on the application; or

2. Failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

(4) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

(c) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare a voter registration application to be used for voter registration at the Motor Vehicle Administration.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) Contain the same information as the statewide voter registration application prescribed in [§ 3-202(b)] § 3-202(A) of this subtitle; and

(ii) Require only the minimum amount of information necessary, including the applicant's telephone number:

1. To prevent duplicate voter registration; and

2. To enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, "I do not wish to register to vote at this time".

(d) (1) If a driver's license renewal or a change of name or address is not completed in person with a customer service representative at a Motor Vehicle Administration office, the Motor Vehicle Administration shall state clearly that:

(i) The information will be used for voter registration purposes; and

(ii) The registrant has the right to declare that the information may not be used for purposes of voter registration.

(2) The Motor Vehicle Administration shall follow the procedures established jointly by the Motor Vehicle Administration and the State Board to process the voter registration information received under this subsection.

(e) Information relating to the failure of an applicant for a driver's license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-203.

In subsection (c)(2)(i) of this section, an erroneous cross-reference is corrected.

No other changes are made.

Defined term: "State Board" § 1-101

3-204.

(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.

(2) The State Board shall designate the following offices as voter registration agencies:

(i) All offices in the State that provide public assistance;

(ii) All offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities; and

(iii) All public institutions of higher education in the State.

(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) Distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) Provide a document to prospective registrants that includes:

(i) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), "If you do not check either box, you will be considered to have decided not to register to vote at this time.";

(iv) The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";

(v) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections"; and

(vi) The address and toll free telephone number of the State Board;

(3) Provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; and

(4) Accept the completed voter registration application for transmittal to the appropriate election board.

(c) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.

(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(f) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described IN SUBSECTION (B) OF THIS SECTION at the individual's home.

(g) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) Seek to influence an applicant's political preference or party registration;

(ii) Display any [such] political preference or party allegiance; or

(iii) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3-501 of this title and § 10-611 of the State Government Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

(h) Regulations necessary to carry out the requirements of this section and § 3-203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-204.

The only changes are in style.

Defined term: "State Board" § 1-101

Subtitle 3. Administration of Registration.

3-301.

(a) When a voter registration application is received by a local board, the local board shall:

(1) If the applicant resides in the county of the local board, determine whether the applicant is qualified to become a registered voter; or

(2) If the applicant resides in a different county in the State, immediately forward the application to the proper county.

(b) A qualified applicant shall be added to the voter registry in the voter's county of residence unless registration is closed pursuant to § 3-302 of this subtitle.

(c) (1) The election director in the county where an applicant resides shall send a voter acknowledgment notice, in a format prescribed by the State Board, to each applicant informing the applicant whether he or she is qualified to become registered, and, if not qualified, the reasons why.

(2) (i) A voter notification card sent to a qualified applicant may serve as a voter acknowledgment notice.

(ii) 1. The voter notification card shall contain the name and address of the voter, the date of issue, and the district or ward and precinct of the voter.

2. The card is evidence that the individual to whom it is issued is a registered voter on the date appearing on the card.

3. The election director shall issue a replacement card on request of the voter and a new card when a relevant change is made in the voter's registration record.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-301.

No changes are made.

3-302.

(a) (1) Registration is closed between 9 p.m. on the 5th Monday preceding any primary election, special primary election, general election, or special election and the 11th day after that election.

(2) Beginning with the primary election in 2000, and for any subsequent election prior to the primary election in 2002, registration is closed beginning at 9 p.m. on the 25th day preceding the election until the 11th day after that election.

(3) Beginning with the primary election in 2002, and for any subsequent election, registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

(b) A voter registration application received when registration is closed shall be accepted and retained by a local board, but the registration of the applicant does not become effective until registration reopens.

(c) A voter registration application that is received by the local board after the close of registration shall be considered timely received for the next election provided:

(1) There is sufficient evidence, as determined by the local board pursuant to regulations adopted by the State Board, that the application was mailed on or before registration was closed for that election; or

(2) The application was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board prior to the close of registration.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-302.

No changes are made.

3-303.

(a) Except as provided in subsection (b) of this section, a local board, at the signed request of a registered voter, shall change that voter's party affiliation, or change the voter to or from a decline, at any time that registration is open unless the request is received during the following time periods:

(1) From 9 p.m. on the Monday, or the next regular business day if the Monday is a legal holiday, that is 12 weeks before the day on which a primary election is to be held under § 8-201 of this article, until and including the day on which the registration reopens after the primary election is held; and

(2) From and including the day of issuance of a gubernatorial proclamation calling a special election, pursuant to § 8-709 of this article, or from 5 p.m. on the next regular business day if the day of issuance is a legal holiday, until and including the day on which that special election is held.

(b) If a registered voter changes residence from one county to another within the State, the voter may change party affiliation or change to or from a decline at any time when registering with the new county of residence.

(c) An individual whose registration has been canceled at the individual's request within a period closed to changes in party affiliation may not reregister in the same county during the same period with a party affiliation or nonaffiliation different from the previous registration.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-303.

No changes are made.

3-304.

(a) (1) Notification of a change of address or of a change of name may be made:

(i) By information provided on a voter registration application by the same methods provided for registration pursuant to Subtitle 2 of this title;

(ii) By written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter is currently registered or to which the voter has moved;

(iii) By making application in person at the office of the local board in the county where the voter is currently registered or to which the voter has moved;

(iv) By information on a voter authority card or other appropriate form filled out in a polling place; or

(v) By changing a name or address with the Motor Vehicle Administration.

(2) Except as provided by regulations adopted by the State Board, name and address changes may not be effected by the local board when registration is closed.

(b) (1) A local board, pursuant to regulations adopted by the State Board, shall determine whether a request for a name or address change is from the registered voter.

(2) If the local board is satisfied that the request for a name or address change is from the voter, the local board shall:

(i) If the request is from a voter currently registered in and continuing to reside in that county, change the voter's record and send the voter a new voter notification card;

(ii) If the request is from a voter currently registered in that county but moving to another county in the State, forward a copy of the request to the new county of residence and, on receipt of confirmation from the new county of residence, remove the voter from the county voter registry;

(iii) If the request is from a voter currently registered in that county but moving outside the State, remove the voter from the county voter registry; or

(iv) If the request is from a voter currently registered in another county in the State but moving to that county, add the voter to the county voter registry and send the voter a new voter notification card.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-304.

No changes are made.

Subtitle 4. Municipal Registration.

3-401.

In this subtitle, "universal registration" means an election administration in which the list of individuals eligible to vote in a municipal election includes those residents of the municipal corporation who are registered to vote with the local board for the county in which the individual's residence is located.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-401.

No changes are made.

3-402.

This subtitle does not apply to a municipal corporation that:

(1) Does not require voter registration for its elections;

(2) Prior to January 1, 1990, used the voter registry supplied by the local board as qualification for voting in municipal elections; or

(3) Provides for the local board to conduct municipal elections.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-402.

No changes are made.

3-403.

(a) A voter residing in a municipal corporation is [deemed] CONSIDERED to be registered for elections in that municipal corporation if the voter is registered with the local board for the county in which the municipal corporation is located.

(b) (1) Not less than 6 months prior to its municipal election, each municipal corporation shall submit a request to the appropriate local board for the development of a plan and a schedule to implement universal registration.

(2) The application shall include the name of the individual designated as the municipal corporation liaison who is responsible for working with the local board in the development of the plan and the schedule for implementation of the plan.

(c) Within 10 days after receipt of the application, the local board shall respond to the municipal corporation liaison and shall designate a local board liaison.

(d) At a mutually agreed upon time, the local board liaison and the municipal corporation liaison shall conduct meetings with other appropriate individuals, if required, for the purpose of developing a schedule and plan for implementing registration under this title.

(e) The plan shall include:

(1) Procedures for identifying by geographical reference the municipal boundaries, precincts, wards, or districts and the methods for including this information in the county's voter registration system;

(2) Information on whether the municipal corporation wants the exclusion or inclusion of political party affiliation on the voter registry, and whether the local board can provide the exclusion or inclusion;

(3) The format of the certified voter registry, and whether it is to be divided according to a registrant's municipal polling place;

(4) Information on whether:

(i) The dates of birth are to be printed on the certified registry;

(ii) The names of registrants under the age of 18 years are to be included on the lists; and

(iii) The board can provide these exclusions or inclusions;

(5) The timing for furnishing the certified list of registered voters for use in the municipal elections, including the deadline for accepting voter registration applications of those individuals residing in the municipal corporation prior to the municipal elections;

(6) Procedures for obtaining, updating, and maintaining in the county's files the voter history of registrants who vote in municipal elections; and

(7) Procedures for obtaining, updating, and maintaining changes to the boundaries of the municipal corporation, the precincts, the wards, or the districts that result from annexations, subdivision development, street name changes, or street abandonments.

(f) (1) The local board shall provide to a municipal corporation at no cost a certified list of registered voters residing within the boundaries of the municipal corporation in compliance with the plan established pursuant to subsection (e) of this section.

(2) (i) On request by a municipal corporation, the local board shall also provide at no cost [upon a request of a municipal corporation] a certified list of registered voters who reside within the boundaries of the municipal corporation 90 days prior to the municipal election. The request for this preliminary list of voters shall be made to the board before or during the negotiations authorized in subsection (d) of this section.

(ii) Within 20 days after receiving the preliminary list of registered voters, a municipal corporation shall notify the local board of any potential errors in the list of registered voters, including errors in the residency of registered voters.

(iii) If the actual residency of any individual listed on the voter registry is in doubt, the local board shall notify the individual in accordance with § 3-504 of this title within 10 days after receiving notification from the municipal corporation.

(g) This section may not be construed to prohibit a municipal corporation from administering and maintaining a supplemental list of those individuals who are not registered with the county board but who may otherwise be qualified to register to vote with the municipal corporation.

(h) (1) Whenever the registration of any voter is removed for any reason from the supplemental voter registry maintained by the municipal corporation, the municipal corporation shall send a notice of this action and the reason for the action to the last known address of the voter.

(2) The voter shall be given at least 15 days to respond to indicate whether the voter wishes to remain on the municipal corporation's voter registry.

(3) If the voter wishes to remain on the list and continues to be qualified under the municipal corporation's voter registration requirements, the voter's name shall be reinstated to the municipal corporation's supplemental voter registry upon written request of the voter.

(i) (1) The State shall reimburse a local board or a county government for reasonable initial set-up costs of implementing the plan for universal registration, including the costs associated with:

(i) The identification of the appropriate boundaries;

(ii) The identification of voters who are to be included in the local board files for municipal or county registration; and

(iii) The modification of the local board's registration system that is necessary to implement the universal registration plan.

(2) The local board shall request and, subject to the approval of the State Board, receive a reimbursement for these costs from a fund administered by the State Board. The initial set-up costs incurred directly by a municipal corporation may be reimbursed for circumstances authorized by the State Board.

(j) Upon request by the municipal corporation, the local board shall provide voter registration forms to the municipal corporation.

(k) The State Board shall cooperate with the local boards and municipal election officials to effectuate the provisions of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-403.

In subsection (f)(2)(i) of this section, the former phrase "upon a request of a municipal corporation" is deleted as redundant.

The only other changes are in style.

Subtitle 5. Voter Registry.

3-501.

Each local board, pursuant to regulations adopted by the State Board, shall:

(1) Maintain the registry of voters in the county;

(2) Ensure the currency and accuracy of each individual voter's registration record;

(3) Produce precinct registers for use in polling places on election day; and

(4) Maintain voting history information on a current basis for a period covering at least the 5 preceding years.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-501.

No changes are made.

3-502.

An election director may remove a voter from the registry only:

- (1) At the request of the voter, provided the request is:
 - (i) Signed by the voter;
 - (ii) Authenticated by the election director; and
 - (iii) In a format acceptable to the local board or on a cancellation notice provided by the voter on a voter registration application;
- (2) Upon determining, based on information provided pursuant to § 3-505 of this subtitle, that the voter is no longer eligible because:
 - (i) The voter is not qualified to be a registered voter as provided in § 3-102(b) of this title; or
 - (ii) The voter is deceased; or
- (3) If the voter has moved outside the local board's jurisdiction, as determined by conducting the procedures established in § 3-504 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-502.

No changes are made.

3-503.

In order to identify voters who have changed their addresses, each local board shall establish and conduct a program that:

- (1) Is approved by the State Board;
- (2) Complies with this section, regulations adopted by the State Board, and any relevant federal law; and
- (3) Is completed at least 90 days before an election.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-503.

No changes are made.

3-504.

- (a) (1) In this section the following words have the meanings indicated.

(2) "Confirmation notice" means a notice, approved by the State Board, that is sent by forwardable mail with a return card.

(3) "Return card" means a postage prepaid and preaddressed card on which the voter may report the voter's current address.

(b) Upon receiving any information that a voter currently registered in the county has moved to a different address within the county, the election director shall change the voter's record temporarily and send the voter a confirmation notice.

(c) If it appears from information provided by the postal service or an agency specified in § 3-505(b) of this subtitle that a voter has moved to a different address outside the county, the election director shall send the voter a confirmation notice informing the voter of his or her potential inactive status as described in subsection (f) of this section.

(d) Upon receipt of a return card, the election director shall make any needed corrections in the Board's records to reflect the voter's current residence.

(e) The election director may not remove a voter from the registry on the grounds of a change of address unless:

(1) The voter confirms in writing that the voter has changed residence to a location outside the county in which the voter is registered; or

(2) (i) The voter has failed to respond to the confirmation notice; and

(ii) The voter has not voted or appeared to vote (and, if necessary, corrected the record of the voter's address) in an election during the period beginning with the date of the notice through the next two general elections.

(f) (1) If a voter fails to respond to a confirmation notice sent based on information that the voter moved to a different residence outside the local board's jurisdiction, the voter's name shall be placed on a list of inactive voters.

(2) Upon written affirmation that an inactive voter remains a resident of the same county, the voter may be allowed to vote either at the election district or precinct for the voter's current residence or the voter's previous residence, as determined by the State Board, and shall be restored to the registry.

(3) An inactive voter who fails to vote in an election in the period ending with the second general election shall be removed from the registry.

(4) Individuals whose names have been placed on the inactive list may not be counted as part of the registry.

(5) Registrants placed on the inactive list shall be counted only for purposes of voting and not for [such] official administrative purposes [as] INCLUDING petition signature verification, establishing precincts, and reporting official statistics.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-504.

The only changes are in style.

3-505.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Board in a format and at times prescribed by the State Board.

(ii) The Commissioner of Health of Baltimore City and the health officer of each county shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the city or county since the date of the last [such] report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of theft or infamous crimes since the date of the last [such] report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Board shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of infamous crimes in that court.

(b) (1) The State Board shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.

(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report [such] THIS fact and the location of the building to the local board in the county or city.

(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Board or another local board.

(4) A local board may:

(i) Make arrangements to receive change of address information from an entity approved by the State Board; and

(ii) Pay a reasonable fee to the entity for the information.

(c) (1) Whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a

notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.

(2) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under paragraph (1) of this subsection, the election director may remove the voter from the registry under § 3-502 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-505.

The only changes are in style.

3-506.

(a) For the purpose of public inspection, original voter registration records:

(1) Except upon the special order of the local board, shall be available at all times when a local board is open; and

(2) May not be removed from the office of the local board except:

(i) On order of a court; or

(ii) For temporary removal solely for purposes of data processing.

(b) The State Board shall adopt regulations relating to reasonable access by the public to original voter registration application forms.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-506.

No changes are made.

3-507.

(a) A copy of a voter registration list shall be provided to a Maryland registered voter upon receipt of:

(1) A written application; and

(2) A statement, signed under oath, that the list is not intended to be used for purposes of:

(i) Commercial solicitation; or

(ii) Any other purpose not related to the electoral process.

(b) The State Board shall adopt regulations, in consultation with the local boards, specifying:

(1) When registration lists shall be provided;

(2) Any authorization to be required for providing registration lists;

- (3) The fee for providing registration lists;
- (4) The information to be included;
- (5) The format of the information; and
- (6) The medium or media on which the information shall be supplied.

(c) Any individual who knowingly allows a registration list under [his or her] THE INDIVIDUAL'S control to be used for commercial solicitation or any other purpose not related to the electoral process is guilty of a misdemeanor and shall be punished under the provisions of Title 16 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-507.

The only changes are in style.

3-508.

(a) (1) The State Board shall adopt regulations for the retention and storage of original voter registration applications and other records the State Board considers appropriate.

(2) Records stored and retained in a local board office shall be open to public inspection.

(b) (1) Consistent with regulations adopted by the State Board, local boards shall maintain for at least 2 years all records concerning programs to ensure the accuracy and currency of the voter registry.

(2) Except for records concerning a declination to register or the identity of a voter registration agency through which a particular voter applies for registration, the records described in paragraph (1) of this subsection are accessible under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public Records).

REVISOR'S NOTE: This section formerly was Art. 33, § 3-508.

No changes are made.

3-509.

(a) Within 15 days after the commencement of the period under § 3-303(a) of this title in which registered voters are not allowed to change party affiliation or change to or from a decline, and at other times as directed by the State Board, each local board shall submit to the State Board a report of registration setting forth the following information, as shown on the registry of the respective local board as of the date of the commencement of the period:

(1) The name of each political party with which one or more registered voters in their respective jurisdiction are then affiliated; and

(2) The total number of registered voters affiliated with each such political party.

(b) Within 5 days after the receipt of all reports of registration from local boards, the State Board shall determine and issue a statement of registration setting forth, on the basis of the reports of registration received from the local boards, the following:

(1) The name of each political party with which one or more registered voters in the State are affiliated;

(2) The total number of registered voters affiliated with each such political party;

(3) The total number of registered voters in the State; and

(4) The percentage of the total number of registered voters in the State that are affiliated with each such political party, such percentage to be carried out to two or more decimal places.

(c) Each board shall provide reports of registration and other registration related activity as may be required by the State.

(d) The statements of registration shall be retained in the office of the [State Administrative Board of Election Laws] STATE BOARD for a period of at least 6 years and shall be available for inspection during normal working hours by any interested person.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-509.

In subsection (d) of this section, the defined term "State Board" is substituted for the former reference to the "State Administrative Board of Election Laws" for clarity.

No other changes are made.

Defined terms: "Local board" § 1-101

"Political party" § 1-101

"State Board" § 1-101

Subtitle 6. Resolution of Registration Disputes and Challenges.

3-601.

(a) An individual whose voter registration information is not included in the precinct register shall be allowed to vote by a provisional ballot upon receiving and completing a temporary certificate of registration.

(b) A temporary certificate of registration shall be issued by an election judge at the precinct if the individual:

(1) Provides proof of identity, as prescribed by the State Board by regulation[.]; AND

(2) Completes an application for a temporary certificate of registration in which the applicant affirms under penalty of perjury that the applicant:

(i) Has not voted in the current election in any other precinct in the State or any other state;

(ii) Has, within the last 2 years, made a good faith effort to register to vote or to update a voter registration record as demonstrated by the applicant indicating:

1. The voter registration agency where the applicant registered to vote or updated a voter registration record;

2. The approximate date when the applicant registered or updated a voter registration record; and

3. Any additional information required by the State Board;

(iii) Identifies any counties in Maryland where the applicant has voted in past elections;

(iv) Is a current resident of the county in which the applicant seeks to vote;

(v) Provides the applicant's current address and telephone number;

(vi) Meets the qualifications to register to vote; and

(vii) Meets any other criteria developed by the State Board for a temporary certificate of registration.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-601.

The only changes are in style.

3-602.

(a) (1) An individual who feels aggrieved by any action of a local board regarding voter registration may file a challenge with that local board.

(2) A registered voter may file a challenge with the appropriate local board objecting to the addition or omission of an individual from the registry.

(3) A municipal corporation may file a challenge with the appropriate local board if the municipal corporation has reason to believe that an individual has been erroneously added to or omitted from the municipal corporation registry.

(4) (i) A local board may initiate the challenge procedures if the local board has reason to believe that a registration has been erroneously added to or omitted from the registry other than by clerical error.

(ii) If a local board corrects a clerical error on the registry, the local board shall inform the voter whose registration information was changed.

(b) (1) An aggrieved individual or a municipal corporation shall file a challenge on a form, approved by the State Board, stating under oath the basis for the challenge.

(2) A challenge filed during the 45 days prior to an election may not be heard until after that election.

(c) (1) Within 5 days of a challenge being filed pursuant to subsection (a)(1) or (2) of this section, or within 5 days of a determination by a local board that a registration has been erroneously added or omitted, the local board shall:

(i) Schedule a hearing that shall be held no sooner than 10 days and no later than 15 days after the determination or receipt of a challenge;

(ii) If applicable, send a notice of the hearing [by certified mail] to the challenger and advise the challenger of the requirement to appear at the hearing to substantiate the application or objection by affirmative proof; and

(iii) Send a notice of the hearing, and a statement of the reason for the hearing, to the individual who is the subject of the challenge.

(2) A notice under this subsection shall be sent by certified mail.

(3) A notice under paragraph (1)(iii) of this subsection shall be addressed to the individual's most recent address as reflected by the registration records.

(4) An individual specified in paragraph (1)(iii) of this subsection may appear in person or by counsel.

(d) (1) The local board shall conduct the hearing on each challenge.

(2) The willful failure of the challenger to appear at a hearing under this section shall be punishable by the penalties provided in § 16-1001 of this article.

(3) At the request of a party, or on its own motion, the local board shall issue subpoenas to witnesses to appear and testify at the hearings.

(4) Witnesses at the hearings shall be sworn.

(e) (1) All challenges shall be decided promptly after the hearing.

(2) An individual may not be removed from the registry unless the individual's ineligibility is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the individual is properly registered.

(3) If the local board determines that an individual should be added to or removed from the registry, the local board immediately shall add or remove the individual and notify the individual, by first class mail, of the board's action.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-602.

In subsection (c)(1)(ii) of this section, the former phrase "by certified mail" is deleted as redundant in light of subsection (c)(2) of this section.

No other changes are made.

Defined terms: "Local board" § 1-101

"State Board" § 1-101

3-603.

(a) (1) A party who is aggrieved by the final decision in a hearing by a local board is entitled to judicial review of the decision as provided in this section.

(2) (i) A petition for judicial review shall be filed with the circuit court of the county in which the local board is located.

(ii) The petition may be brought at any time, except that it may not be later than the third Tuesday preceding the next succeeding election.

(b) (1) The court, upon the presentation of evidence satisfactory to it, in its discretion may dispose of the matter summarily or in its discretion otherwise set the matter for hearing.

(2) Upon appropriate order of the court the local board shall make the required corrections.

(c) In determining whether an individual is or is not a resident of an election district or precinct, the presumption shall be that an individual shown to have acquired a residence in one locality retains that residence until it is affirmatively shown that the individual has acquired a residence elsewhere.

(d) (1) An appeal may be taken from any ruling of the circuit court to the Court of Special Appeals.

(2) The appeal shall be taken within 5 days from the date of the decision by the circuit court and the appeal shall be heard and decided by the Court of Special Appeals as soon after the transmission of the record as practicable.

REVISOR'S NOTE: This section formerly was Art. 33, § 3-603.

No changes are made.

Title 4. Political Parties.

Subtitle 1. Formation of Political Parties.

4-101.

Except as to a matter of compelling State interest, if any provision of this title relating to party governance conflicts with the constitution and bylaws of a political party, the constitution and bylaws shall apply to the extent of the conflict.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-101.

No changes are made.

4-102.

(a) Any group of registered voters may form a new political party by:

(1) Filing with the State Board on the prescribed form a petition meeting the requirements of subsection (b) of this section and of Title 6 of this article; and

(2) Adopting and filing an interim constitution and bylaws in accordance with subsection (e) of this section.

(b) (1) The petition shall state:

(i) The partisan organization's intent to organize a State political party;

(ii) The name of the partisan organization;

(iii) The name and signature of the State chairman of the partisan organization; and

(iv) The names and addresses of 25 registered voters, including the State chairman, who shall be designated as constituting the initial governing body of the partisan organization.

(2) (i) Appended to the petition shall be papers bearing the signatures of at least 10,000 registered voters who are eligible to vote in the State as of the [1st] FIRST day of the month in which the petition is submitted.

(ii) Signatures on the petition must have been affixed to the petition not more than 2 years before the filing date of the last qualifying signature.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for the formation of a new political party, or any additional signatures to a petition, may be filed at any time.

(2) A petition for the formation of a new political party, or any additional signatures to a petition, may be filed:

(i) In the year of an election at which the President is elected
except:

1. During the period of time that registration is closed before
and after a primary election in accordance with § 3-302(a) of this article; and

2. After the first Monday in August until registration
reopens after the general election in accordance with § 3-302(a) of this article;

(ii) In the year of an election at which the Governor is elected,
except after the first Monday in August until registration reopens after the general
election in accordance with § 3-302(a) of this article; or

(iii) When a special primary election and a special election are
proclaimed by the Governor in accordance with § 8-710 of this article except:

1. After the fifth Monday before the special primary election
through the tenth day following the special primary election; and

2. After the fifth Monday before the special election through
the fifteenth day following the special election.

(d) (1) (i) If the petition is certified under Title 6 of this article, the State
Board shall promptly notify the State chairman of the partisan organization.

(ii) Upon the filing of a constitution and bylaws with the State
Board by a partisan organization in accordance with subsection (e) of this section, the
State Board shall:

1. Review the constitution and bylaws to determine whether
the constitution and bylaws meet the requirements of subsection (e) of this section;
and

2. If the constitution and bylaws meet the requirements of
subsection (e) of this section, promptly notify the partisan organization designated in
the petition that it is considered a State political party for the purposes of this article.

(2) If the petition does not meet the requirements of this section and of
Title 6 of this article:

(i) The State Board shall declare the petition insufficient;

(ii) The partisan organization is not a State political party for the
purposes of this article; and

(iii) The State Board shall promptly notify the State chairman of the
partisan organization.

(e) (1) The constitution and bylaws of a new political party shall:

(i) Comply with the requirements of § 4-204 of this title; and

(ii) Be adopted by the individuals designated in the petition as the initial governing body at an organizational meeting held within 90 days after the date of the filing of the last qualifying signature on its petition.

(2) The individual designated in the petition as the State chairman of the political party shall convene the organizational meeting under paragraph (1)(ii) of this subsection and shall preside as president pro tem of the meeting until party officers are elected.

(f) Unless a new political party is required to hold a primary election to nominate its candidates under Title 8 of this article, the new political party may nominate its candidates by:

(1) Petition in accordance with Title 5 of this article; or

(2) If at least 1% of the State's registered voters, as of January 1 in the year of the election, are affiliated with the political party, convention in accordance with rules adopted by the political party.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-102.

The only changes are in style.

4-103.

(a) (1) Unless extended pursuant to paragraph (2) of this subsection, a new political party shall retain its status as a political party until December 31 in the year of the second statewide general election following the party's qualification under § 4-102 of this subtitle.

(2) [Thereafter, the] THE political party shall retain its status as a political party through either of the following:

(i) If the political party has nominated a candidate for the highest office on the ballot in a statewide general election, and the candidate receives at least 1% of the total vote for that office, the political party shall retain its status through December 31 in the year of the next following general election; or

(ii) If the State voter registration totals, as of December 31, show that at least 1% of the State's registered voters are affiliated with the political party, the political party shall retain its status until the next following December 31.

(b) The State Board shall promptly notify the State chairman of a group that loses its status as a political party.

(c) A group that loses its status as a political party may regain that status only by complying with all the requirements for qualifying as a new party under § 4-101 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-103.

The only changes are in style.

Subtitle 2. Political Party Governing Bodies.

4-201.

(a) Each political party shall have a State central committee that:

(1) Is the governing body of the political party; and

(2) May be composed of the members of the central committees of the counties during their terms in office.

(b) (1) A party's State central committee shall select the chairman or co-chairmen of the party State central committee.

(2) The chairman or co-chairmen shall be residents of the State during their tenure in office.

(c) A party's State central committee shall determine its own rules of procedure, not inconsistent with the provisions of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-201.

No changes are made.

4-202.

(a) (1) A principal political party shall elect the members of the county central committee at a primary election.

(2) Except as otherwise provided in this section or § 4-203 of this subtitle, the central committee for a county shall consist of the number of members determined by the party's constitution.

(b) (1) Except as provided in paragraph (2) of this subsection, the party central committee for each county shall select the chairman of that county's party central committee.

(2) In Baltimore County, the Chairman of the Republican Party Central Committee shall be elected at large.

(c) (1) An individual elected to serve as a member of a party central committee shall be a resident of the county in which that central committee is located.

(2) (i) An individual elected from a county who ceases to reside in that county shall be considered to have resigned and may not continue to serve on the central committee.

(ii) An individual elected from a specific legislative district who ceases to reside in that district shall be considered to have resigned and may not continue to serve on the central committee.

(d) (1) (i) An individual selected to fill a vacancy in a party central committee shall be a resident of the county in which that central committee is located.

(ii) An individual selected to fill a vacancy of a member elected from a specific legislative district in a party central committee shall be a resident of that legislative district.

(2) Upon relinquishing residency in the county or legislative district in which a member of a party central committee was selected to fill a vacancy, the member shall be considered to have resigned.

(e) (1) Except as provided in paragraph (2) of this subsection, a vacancy in the party central committee for a county, or for a legislative district of Baltimore City, Anne Arundel County, or Baltimore County, shall be filled by the remaining members of the committee elected from that county or legislative district.

(2) If a political party does not have county central committees or central committees for legislative districts, vacancies shall be filled in accordance with party rules.

(f) (1) Except as provided in paragraph (2) of this subsection, the tenure in office of a member of the central committee of any political party shall:

(i) Begin at the time the results of that election are certified; and

(ii) Continue to the extent of any extension in time between primary elections by reason of any change in the date of holding primary elections by a political party in the State.

(2) The tenure in office of a member of the Republican Party Central Committee shall begin on the [fourteenth] 14TH day following the gubernatorial general election.

(3) For purposes of this subsection, upon relinquishing residency in the county, a member of a party central committee shall be considered to have resigned.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-202.

The only changes are in style.

4-203.

(a) In Anne Arundel County, the members of the Democratic and Republican Party Central Committees for the County shall be elected as follows:

(1) Three members shall be elected from each legislative district wholly contained within Anne Arundel County; and

(2) One member shall be elected from that portion within Anne Arundel County of any legislative district that is partially contained within Anne Arundel County.

(b) (1) In Baltimore City, the members of the Democratic Party Central Committee shall be elected from the legislative districts of Baltimore City as follows:

(i) Five members shall be elected from the Baltimore City part of each of the eight legislative districts in which all or a majority of the population resides in Baltimore City; and

(ii) One member shall be elected from the Baltimore City part of each of the two legislative districts in which a minority of the population resides in Baltimore City.

(2) (i) The members of the Republican Party Central Committee shall be elected from each [City Council] COUNCILMANIC district of Baltimore City.

(ii) Four members shall be elected from each [City Council] COUNCILMANIC district.

(c) (1) Except as provided in paragraph (2)(ii) of this subsection, in Baltimore County, members of the party central committees may not run at large.

(2) The Republican Party Central Committee shall consist of:

(i) Four members elected from each councilmanic district in the county; and

(ii) A chairman elected from the county at large.

(3) For the Democratic Party Central Committee:

(i) Fifteen members, five from each district, shall be elected from legislative districts 7, 9, and 11, each district being located wholly within Baltimore County;

(ii) Five members shall be elected from that part of legislative district 6 that is located in Baltimore County;

(iii) Five members shall be elected from that part of legislative district 8 that is located in Baltimore County;

(iv) Four members shall be elected from that part of legislative district 10 that is located in Baltimore County;

(v) Three members shall be elected from that part of legislative district 12 that is located in Baltimore County;

(vi) Two members shall be elected from that part of legislative district 42 that is located in Baltimore County;

(vii) One member shall be elected from that part of legislative district 46 that is located in Baltimore County; and

(viii) Two members shall be elected from that part of legislative district 47 that is located in Baltimore County.

(4) Only individuals affiliated with the Democratic Party and who are registered to vote in Baltimore County may vote for the election of members to the Baltimore County Democratic Party Central Committee under this section.

(5) The number of Democratic Party Central Committee members to be elected from each legislative district, or portion of legislative district, in Baltimore County shall be determined upon completion of each legislative districting.

(d) In Calvert County, the Democratic Party Central Committee consists of nine members elected by the voters of the County at large as follows:

(1) Two members who reside in the first election district and receive the largest number of votes cast for candidates from that district;

(2) Two members who reside in the second election district and receive the largest number of votes cast for candidates from that district;

(3) Two members who reside in the third election district and receive the largest number of votes cast for candidates from that district; and

(4) Three members who reside in Calvert County and who receive the highest number of votes cast in Calvert County for the remaining candidates.

(e) In Carroll County, the Republican Party Central Committee shall consist of seven members elected at large.

(f) (1) In Montgomery County:

(i) The Republican Party Central Committee consists of 19 members; and

(ii) The Democratic Party Central Committee consists of 23 members.

(2) For each of those two party central committees:

(i) Two members are elected from each of the legislative districts that lie wholly within Montgomery County;

(ii) One member is elected from the Montgomery County part of each legislative district which is partially within Montgomery County; and

(iii) The remainder shall be elected at large.

(3) Any vacancy in a seat on a party central committee held initially by a member elected from a legislative district shall be filled by a person residing in that district.

(4) Any reference to the Democratic Party Central Committee for Montgomery County or any portion of it means the entire membership of the Montgomery County Democratic Party Central Committee, and in no event do the members of the Central Committee elected from a district comprise a separate central committee.

(g) (1) (i) In Prince George's County, members of the Republican Party Central Committee:

1. May not run at large; and

2. Shall be elected from within legislative districts of Prince George's County or within that portion of any legislative district lying within Prince George's County.

(ii) The number of members of the Republican Party Central Committee shall consist of:

1. Two members from each legislative district that is wholly within Prince George's County; and

2. One member from that portion of each legislative district that is partially within Prince George's County.

(2) (i) In Prince George's County, the Democratic Party Central Committee consists of 21 members.

(ii) Two members shall reside in and be elected by the eligible voters of each of the seven legislative districts in which a majority of the voters reside within Prince George's County.

(iii) One member shall reside in and be elected by the eligible voters of the Prince George's County portion of the legislative district in which a minority of the voters reside within Prince George's County.

(iv) In addition to the members of the committee elected from legislative districts, six members of the committee shall be elected by all the eligible voters in the County[. At], AND AT the time of election, each [such] member shall reside in a different one of the six legislative districts that lies wholly within Prince George's County.

(v) A candidate for election to the Democratic Party Central Committee shall declare at the time of filing for candidacy which seat on the Central Committee the candidate is seeking.

(vi) If a member who was elected from a specific legislative district ceases to reside in that district, the member may not continue to serve on the Central Committee.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-203.

In subsection (b)(2)(i) and (ii) of this section, the term "councilmanic" is substituted for the former term "City Council" for consistency with the other subsections.

The only other changes are in style.

4-204.

(a) Except as otherwise provided in this article, each political party shall adopt and be governed by a constitution and all bylaws and rules adopted in accordance with the constitution.

(b) (1) The constitution and bylaws of each political party shall provide:

(i) For such matters as in its opinion are necessary for the proper conduct of party affairs;

(ii) For the selection of a State governing body;

(iii) For the calling of regular meetings, advance notification of meetings, and special notice for special meetings;

(iv) For the establishment of a quorum;

(v) A method of amending the political party's constitution and bylaws;

(vi) Procedures for filling a vacancy in a nomination for public office;

(vii) For a principal political party, for the convening of a meeting of the central committee within 45 days after the primary election in each gubernatorial election year;

(viii) If the political party is required to nominate its candidates by petition, procedures for determining which of two or more party members who qualify for nomination in the same contest shall be designated on the ballot as nominees of the political party; and

(ix) For the adoption of rules governing the political party.

(2) The Republican Party State Central Committee may adopt provisions in its constitution and bylaws providing for the removal of members of the Republican State Central Committee who fail to discharge the minimum responsibilities of a State central committee member.

(c) (1) In accordance with the constitution and bylaws of a principal political party, the central committee of that party for each county shall adopt a constitution, bylaws, and rules.

(2) Until a central committee adopts a constitution, bylaws, and rules, the central committee shall be governed by the State central committee.

(d) (1) Within 30 days after the adoption or amendment by a political party of a constitution, bylaw, or rule, the political party shall file a copy of the constitution, bylaw, or rule with the State Board.

(2) Within 30 days after the adoption or amendment by a central committee of any county of a constitution, bylaw, or rule, the local central committee shall file a copy of the constitution, bylaw, or rule with the State central committee and the State Board.

(e) (1) The constitution and bylaws adopted by a new political party shall conform to the requirements of subsections (a), (b), and (d)(1) of this section.

(2) If a new political party decides to form local central committees, the political party shall notify the State Board of the number and size of the local central committees within 6 months after the date the State Board notified the political party that it is considered a State political party.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-204.

No changes are made.

4-205.

(a) A political party in the State may not incorporate under the general laws of the State providing for the formation of a corporation.

(b) Unless it is the party State central committee, an organization may not represent that it is the official organization or governing body of any political party.

(c) A person who violates this section shall be guilty of a misdemeanor and shall be subject to the penalties provided in Title 16 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 4-205.

No changes are made.

Title 5. Candidates.

Subtitle 1. General Provisions.

5-101.

(a) This subtitle governs the process by which an individual becomes a candidate for a public or party office in an election governed by this article.

(b) An individual's name may not be placed on the ballot and submitted to the voters at an election unless the individual complies with the requirements of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-101.

No changes are made.

Subtitle 2. Qualifications.

5-201.

An individual may become a candidate for a public or party office only if the individual satisfies the qualifications for that office established by law and, in the case of a party office, by party constitution or bylaws.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-201.

No changes are made.

5-202.

A candidate for public or party office must be a registered voter at an address that satisfies any residence requirement for the office that is imposed by law and, in the case of a party office, by party rules.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-202.

No changes are made.

5-203.

(a) (1) This subsection does not apply to a candidate for:

- (i) President or Vice President of the United States; or
- (ii) Any federal office who seeks nomination by petition.

(2) Unless the individual is a registered voter affiliated with the political party, an individual may not be a candidate for:

- (i) An office of that political party; or

(ii) Except as provided in subsection (b) of this section, nomination by that political party.

(b) The requirements for party affiliation specified under subsection (a) of this section do not apply to a candidate for:

- (1) A judicial office; or
- (2) A county board of education.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-203.

No changes are made.

5-204.

(a) An individual simultaneously may not be a candidate for more than one public office.

(b) An individual simultaneously may not be a candidate for more than one office of a political party.

(c) Unless otherwise prohibited by rule of the applicable political party, an individual simultaneously may be a candidate for a party office and a public office.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-204.

No changes are made.

5-205.

(a) In accordance with Article II of the Maryland Constitution, when a candidate for nomination for Governor files A CERTIFICATE OF CANDIDACY for that office, the candidate shall designate a candidate for Lieutenant Governor.

(b) The candidates for nomination for Governor and Lieutenant Governor each shall file for nomination and be considered a unit for nomination to the offices of Governor and Lieutenant Governor.

(c) (1) The names of the candidates of a unit for Governor and Lieutenant Governor shall be listed jointly on the ballot.

(2) A vote cast for a candidate for Governor also shall be a vote cast for the candidate for Lieutenant Governor.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-205.

In subsection (a) of this section, the phrase "a certificate of candidacy" is added for clarity.

No other changes are made.

Defined term: "Candidate" § 1-101

Subtitle 3. Certificate of Candidacy.

5-301.

(a) An individual may become a candidate for a public or party office only if:

(1) The individual files a certificate of candidacy in accordance with this subtitle; and

(2) The individual does not file a certificate of withdrawal under Subtitle 5 of this title.

(b) The appropriate board shall determine [that] WHETHER an individual filing a certificate of candidacy meets the requirements of this article, including:

(1) The voter registration and party affiliation requirements under Subtitle 2 of this title; and

(2) The campaign finance reporting requirements under Title 13 of this article.

(c) (1) On the certificate of candidacy, a candidate shall designate how the candidate's name is to appear on the ballot.

(2) Except as provided in paragraph (3) of this subsection, a candidate shall file a certificate of candidacy in which the candidate lists any given name, an initial letter of any other given name, and surname.

(3) A candidate may file a certificate of candidacy in a name different than that specified under paragraph (2) of this subsection if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that other name in:

(i) Press accounts concerning the candidate, if any; or

(ii) If press accounts do not exist, the candidate's everyday encounters with members of the community.

(4) Except for the use of quotation marks to enclose a portion of a name, the use of symbols, titles, degrees, or other professional designations on a certificate of candidacy is prohibited.

(d) A candidate who seeks nomination by petition shall file a certificate of candidacy as provided in § 5-703 of this title.

(e) A write-in candidate shall file a certificate of candidacy as provided under [Subtitle 3 of this title] THIS SUBTITLE.

(f) (1) (i) On or before August 31 in the year in which a judge of the Court of Appeals must stand for continuance in office, the Clerk of the Court of Appeals shall provide written notice to the State Board of the name of the judge that is to be placed on the ballot at the next succeeding general election together with the identification of the judicial circuit from which the qualified voters of that circuit may cast a vote for the judge's continuance in office.

(ii) On or before August 31 in the year in which a judge of the Court of Special Appeals must stand for continuance in office, the Clerk of the Court of Special Appeals shall provide written notice to the State Board of the name of the judge that is to be placed on the ballot at the next succeeding general election together with:

1. The identification of the judicial circuit from which the qualified voters of that circuit may cast a vote for the judge's continuance in office; or

2. A statement that the voters of the entire State may cast a vote for the judge's continuance in office.

(2) An incumbent judge of the Court of Appeals or Court of Special Appeals is not required to file a certificate of candidacy for an election for continuance in office.

(g) A candidate for President or Vice President of the United States nominated by a national party convention is not required to file a certificate of candidacy under this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-301.

The only changes are in style.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

5-302.

(a) A certificate of candidacy shall be filed under oath on the prescribed form.

(b) The certificate of candidacy shall be filed with the State Board if the candidacy is for:

(1) An office to be voted upon by the voters of the entire State;

(2) The General Assembly of Maryland;

(3) Representative in Congress;

(4) The office of judge of the circuit court for a county; or

(5) An office of elected delegates to a presidential national convention provided for under Title 8, Subtitle 5 of this article.

(c) If the candidacy is for an office other than an office described in subsection (b) of this section, the certificate of candidacy shall be filed with the local board of the applicable county.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-302.

No changes are made.

5-303.

(a) Except as provided in subsections (b) and (c) of this section, a certificate of candidacy shall be filed as follows:

(1) For candidates for offices other than delegate to the Democratic National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days before the day on which the primary election will be held; and

(2) For candidates for delegate to the Democratic National Convention, between 9 a.m. on the first regular business day of the year in which the President of the United States is elected and 5 p.m. on the day that is 1 week later than that day.

(b) A certificate of candidacy for an office to be filled by a special election under this article shall be received and filed in the office of the appropriate board not later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special primary election specified by the Governor in the proclamation for the special primary election.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by [the candidate or a political committee authorized by] A CAMPAIGN FINANCE ENTITY OF the candidate; or

(2) 5 p.m. on the Wednesday preceding the day of the election for which the certificate is filed.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-303.

In subsection (c)(1) of this section, the reference to "a campaign finance entity of" the candidate is substituted for the former reference to "the candidate or a political committee authorized by" the candidate for clarity and in light of the defined term "campaign finance entity" in § 1-101 of this article.

No other changes are made.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Write-in candidate" § 1-101

5-304.

(a) (1) [The] A certificate of candidacy may be filed:

(i) In person; or

(ii) If authorized by subsection (b) of this section, by certified mail, personal messenger, or other delivery service designated by the filer.

(2) [The] A certificate of candidacy may not be filed by facsimile service or other electronic transmission.

(b) [The] A certificate of candidacy may be filed as permitted under subsection (a)(1)(ii) of this section, if:

(1) The individual filing the certificate is unable to do so in person because of illness, military service, or temporary absence from the State; and

(2) The certificate is accompanied by an affidavit signed by the individual filing the certificate setting forth fully the facts which prevent that individual from filing the certificate in person.

(c) On the certificate of candidacy form prescribed by the State Board, the candidate shall specify:

(1) The office, including, if applicable, the party, district, and circuit to which the candidacy relates;

(2) The year of the election;

(3) The name of the individual filing the certificate;

(4) The address on the voter registry or the current address of that individual;

(5) A statement that the individual satisfies the requirements of law for candidacy for the office for which the certificate is being filed; and

(6) Any information requested by the State Board to verify the accuracy of the information provided by the individual under this subsection.

(d) The certificate of candidacy shall be accompanied by:

(1) A filing fee satisfying the requirements of § 5-401 of this title;

(2) A separate form, unless such a form has previously been filed, [designating a treasurer or a political committee, as required] ESTABLISHING A CAMPAIGN FINANCE ENTITY under Title 13 of this article;

- (3) Evidence that the individual has filed:
 - (i) A financial disclosure statement with the State Ethics Commission in accordance with the requirements of Title 15, Subtitle 6 of the State Government Article; or
 - (ii) Any other financial disclosure report required by law; and
- (4) Any additional information required by the State Board.

(e) The appropriate board shall accept the certificate of candidacy if it determines that all requirements are satisfied.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-304.

In subsection (d)(2) of this section, the reference to "establishing a campaign finance entity" is substituted for the former reference to "designating a treasurer or a political committee, as required" for clarity and for conformity with the terminology used under Title 13 of this article.

The only other changes are in style.

Defined terms: "Campaign finance entity" § 1-101

"Election" § 1-101

"State Board" § 1-101

Subtitle 4. Filing Fees.

5-401.

(a) (1) This section does not apply to a write-in candidate.

(2) Unless exempted under subsection (c) of this section, an individual who files a certificate of candidacy shall pay a filing fee at the time the certificate of candidacy is filed.

(b) The filing fee shall be as follows:

- (1) President and Vice President of the United States No fee
- (2) Governor or Lieutenant Governor..... \$290 each
- (3) Comptroller of the Treasury.....\$290
- (4) Attorney General.....\$290
- (5) United States Senator\$290
- (6) Representative in Congress\$100
- (7) Member of the General Assembly\$50

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- (8) Mayor of the City of Baltimore.....\$150
- (9) Comptroller of the City of Baltimore.....\$150
- (10) City Council of Baltimore:
 - (i) President\$150
 - (ii) Member at large voted on by the voters of the entire City of Baltimore\$150
 - (iii) Member voted on by less than the entire City of Baltimore ..\$50
- (11) Offices of the City of Baltimore, not specified in paragraphs (8), (9), and (10), that are voted on by the voters of the entire City of Baltimore.....\$150
- (12) Any other public office\$25
- (13) Member of a party central committee\$10

(c) (1) A candidate may petition for a waiver of the filing fee in accordance with this subsection.

(2) The filing fee required by this section shall be waived if the candidate establishes inability to pay the fee.

(3) A candidate may demonstrate inability to pay the filing fee by attaching to the certificate of candidacy when it is filed a sworn statement on the form prescribed by the State Board of inability to pay which sets forth:

- (i) The nature, extent, and liquidity of the candidate's assets; and
- (ii) The candidate's disposable net income.

(4) At its discretion and in order to conduct any investigation of the petition for waiver, the appropriate board may request that the candidate provide additional information concerning the candidate's financial status.

(5) If the appropriate board determines that the candidate is unable to pay the required filing fee, the certificate of candidacy shall be issued without payment of the fee.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-401.

No changes are made.

5-402.

(a) Upon request, a candidate who pays a filing fee is entitled to a return of the filing fee upon the filing of the certificate of withdrawal on the form prescribed by the State Board if the candidate enters into active duty with the armed services of the

United States during the period between the last date allowed for the withdrawal of candidacy and the printing of the ballots.

(b) Subject to the approval of the State Board, the filing fee paid by a candidate may be returned to the candidate for good cause.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-402.

No changes are made.

5-403.

(a) Filing fees paid by candidates under § 5-401 of this subtitle shall be distributed as specified in this section.

(b) Filing fees received by a local board shall be transferred to the governing body of the county.

(c) Filing fees received by the State Board shall be divided and distributed:

(1) With respect to candidates for statewide office:

(i) \$60 to the Baltimore City Board of Supervisors of Elections; and

(ii) \$10 each to each other local board;

(2) With respect to candidates for any other public or party office in a multicounty district, in equal amounts to the local board of each county that contains part of the district to which the candidacy relates; and

(3) With respect to a candidate for a public or party office in a district wholly contained within one county, to the local board of that county.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-403.

No changes are made.

Subtitle 5. Withdrawal of Candidacy After Filing but Before Primary Election.

5-501.

An individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal as provided in this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-501.

No changes are made.

5-502.

(a) Subject to § 5-402 of this title, an individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within 10 days after the filing date established under § 5-303 of this title.

(b) An individual who has filed a certificate of candidacy for the special election to fill a vacancy for representative in Congress may withdraw the certificate on the prescribed form within 2 days after the filing date established in the proclamation issued by the Governor.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-502.

No changes are made.

5-503.

(a) Except as provided in subsection (b) of this section, the certificate of withdrawal shall be filed with the appropriate board with which the individual filed the certificate of candidacy.

(b) The proclamation issued by the Governor under § 8-710 of this article for a special election to fill a vacancy for representative in Congress shall allow any individual who has filed a certificate of candidacy to withdraw the candidacy as provided under the terms of the proclamation.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-503.

No changes are made.

5-504.

(a) If a certificate of withdrawal is filed under this subtitle:

(1) The certificate of candidacy to which the certificate of withdrawal relates is void;

(2) The name of the candidate may not be submitted to the voters for nomination and election to the office to which the certificate relates unless the individual files a new certificate of candidacy within the time limit prescribed for filing; and

(3) Except as provided in § 5-402 of this article, the filing fee for the certificate of candidacy may not be refunded.

(b) Except for the offices of Governor and Lieutenant Governor, the name of any individual who files a certificate of candidacy and does not withdraw shall appear on the primary election ballot unless, by the 10th day after the filing deadline specified under § 5-303 of this article, the individual's death or disqualification is known to the applicable board with which the certificate of candidacy was filed.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-504.

No changes are made.

Subtitle 6. Qualification for Primary Election Ballot.

5-601.

The name of a candidate shall remain on the ballot and be submitted to the voters at a primary election if:

(1) The candidate has filed a certificate of candidacy in accordance with the requirements of § 5-301 of this title and has satisfied any other requirements of this article relating to the office for which the individual is a candidate, provided the candidate:

- (i) Has not withdrawn the candidacy in accordance with Subtitle 5 of this title;
- (ii) Has not died or become disqualified, and that fact is known to the applicable board by the deadline prescribed in § 5-504(b) of this title;
- (iii) Does not seek nomination by petition pursuant to the provisions of § 5-703 of this title; or
- (iv) Is not a write-in candidate; or

(2) The candidate has qualified to have the candidate's name submitted to the voters in a presidential primary election under Title 8, Subtitle 5 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-601.

No changes are made.

Subtitle 7. Nomination.

5-701.

Nominations for public offices that are filled by elections governed by this article shall be made:

- (1) By party primary, for candidates of a principal political party; or
- (2) By petition for:
 - (i) Candidates of a political party that does not nominate by primary; or
 - (ii) Candidates not affiliated with any political party.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-701.

No changes are made.

5-702.

A candidate for public office of a political party shall be nominated in accordance with the requirements of Subtitles 2 through 4 of this title unless the candidate is:

- (1) Nominated by petition under § 5-703 of this subtitle; or
- (2) A write-in candidate under § 5-704 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-702.

No changes are made.

5-703.

(a) Except for a candidate for a county board of education, this section applies to any candidate for public office subject to this title.

(b) A candidate for a public office may be nominated by petition under this subtitle if the candidate does not seek nomination through a party primary.

(c) (1) A candidate for public office who seeks nomination by petition shall file a declaration of intent to seek nomination by petition.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

(i) In a year in which the Governor is elected or the Baltimore City municipal election is held, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) In a year in which the President is elected, by July 1; and

(iii) For a special election to fill a vacancy for Representative in Congress, by the date and time specified for a candidate to file a certificate of candidacy in the Governor's proclamation.

(4) A candidate who seeks nomination by petition may not be charged a fee for filing the declaration of intent.

(d) (1) A candidate for public office who seeks nomination by petition shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of the general election for the office.

(2) Except for the time of filing, the certificate of candidacy for a candidate who seeks nomination by petition shall comply with the requirements for a certificate of candidacy under Subtitle 3 of this title.

(e) (1) A candidate who seeks nomination by petition may not have the candidate's name placed on the general election ballot unless the candidate files with the appropriate board petitions signed by not less than 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought, except that the petitions shall be signed by at least 250 registered voters who are eligible to vote for the office.

(2) The petitions shall be filed as required in Title 6 of this article.

(3) The number of registered voters required to satisfy the requirements of paragraph (1) of this section shall be determined as of the deadline for changing party affiliation before the primary election for which the nomination is sought.

(f) (1) Except as provided in paragraph (2) of this subsection, a petition that contains the required number of signatures specified under subsection (e)(1) of this section shall be filed with the appropriate board by 5 p.m. on the first Monday in August in the year in which the general election is held.

(2) In a special election to fill a vacancy in the office of Representative in Congress, a petition that contains the required number of signatures shall be filed with the State Board by 5 p.m. on the day of the special primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-703.

No changes are made.

5-704.

An individual who seeks election as a write-in candidate shall file a certificate of candidacy as required under § 5-303 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-704.

No changes are made.

5-705.

(a) A certificate of nomination that entitles a candidate for public office to have the candidate's name listed on the general election ballot and submitted to the voters at the general election shall be issued in accordance with this section.

(b) (1) The State Board shall issue a certificate of nomination to each candidate who files a certificate of candidacy with the State Board and who qualifies for the nomination.

(2) The local board with which a candidate files a certificate of candidacy shall issue a certificate of nomination to each candidate who qualifies for the nomination.

(3) A political party may have only one candidate as its nominee for any position to be filled in a general election.

(4) A certificate of nomination may not contain the name of more than one nominee for each office to be filled at the election.

(c) Following the certification of the primary elections returns by the board responsible for the certification of the results of that election, that board shall issue a certificate of election to:

(1) Each candidate for delegate to a national party convention who is certified by the State Board to have been elected in accordance with the party's rules; and

(2) Each candidate to a party central committee who is certified by the local board to have been elected to that position.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-705.

No changes are made.

5-706.

(a) This section does not apply to:

(1) A candidate for the office of judge of the circuit court;

(2) A candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

(3) A candidate defeated in a presidential preference primary.

(b) The name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-706.

No changes are made.

Subtitle 8. Declination of Nomination.

5-801.

(a) A nominee may decline the nomination by filing a certificate of declination on the prescribed form.

(b) The certificate of declination shall be under oath and filed:

(1) With the board at which the certificate of candidacy was filed; and

(2) (i) In the year of a gubernatorial election or the year of an election for the Mayor of the City of Baltimore, within 2 days after the election results are certified; or

(ii) In the year of a presidential election, by the 70th day preceding the general election.

(c) If a certificate of declination is filed under this section:

(1) The certificate of nomination to which the certificate of declination relates is void;

(2) A vacancy in nomination is created to be filled in accordance with the provisions of Subtitle 10 of this title;

(3) The name of the individual who declined the nomination may not appear on the ballot unless the individual is selected to fill that vacancy; and

(4) The filing fee for the certificate of candidacy of that individual may not be refunded.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-801.

No changes are made.

Subtitle 9. Vacancies in Candidacy Occurring Before a Primary Election.

5-901.

(a) This section does not apply to vacancy in nomination in the office of a Governor and Lieutenant Governor unit.

(b) This section applies to a vacancy in candidacy for a primary election that occurs because no candidate for the political party files a certificate of candidacy for the election.

(c) (1) Except for a vacancy in candidacy for the election of a member of the Senate of Maryland or the House of Delegates as provided in paragraph (2) of this subsection, the vacancy in candidacy for a political party that is entitled to have a candidate on the ballot for an office elected by the voters of more than one county shall be filled by the State central committee or governing body of that political party.

(2) (i) In a State legislative district or a State delegate district comprising more than one county, a vacancy in candidacy for a political party that is entitled to have a candidate on the ballot shall be filled by a vote of the central committee in the counties in the district.

(ii) In filling the vacancy in candidacy under subparagraph (i) of this paragraph, the central committee of each county where the vacancy occurs shall cast a vote proportionate to its share of the population of the district as reported in the most recent decennial census of the United States.

(iii) If no person receives a majority of the votes cast under subparagraph (ii) of this paragraph, or if there is a tie vote by the central committees,

the vacancy in candidacy shall be filled by the State central committee of the political party.

(d) For any public or party office not described in subsection (c) of this section, a vacancy in candidacy under this section shall be filled by the central committee of the political party in [that county] THE COUNTY IN WHICH THE OFFICE IS LOCATED.

(e) A central committee authorized to fill a vacancy in candidacy for an office under this section shall file a certificate of designation of candidacy with the appropriate board designated to receive the certificate of candidacy for that office by the fifth day after the date on which a candidate may withdraw a certificate of candidacy before the primary election.

(f) The individual designated by a central committee under subsection (e) of this section to fill a vacancy shall file a certificate of candidacy in accordance with Subtitle 3 of this title with the appropriate board by the date specified for the applicable central committee to file a certificate of designation under subsection (e) of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-901.

In subsection (d) of this section, the phrase "the county in which the office is located" is substituted for the former reference to "that county" for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

"Political party" § 1-101

5-902.

(a) If either of the candidates of a Governor and Lieutenant Governor unit dies, withdraws the candidacy, or becomes disqualified for any reason prior to the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate may:

(1) Designate a successor candidate who shall file a certificate of candidacy before the later of:

(i) The deadline specified under § 5-303 of this title; or

(ii) The fifth day following the death, withdrawal, or disqualification of the former candidate;

(2) Withdraw under Subtitle 5 of this title; or

(3) After withdrawing under paragraph (2) of this subsection, form a successor unit for the candidacy for the offices of Governor and Lieutenant Governor

by filing a certificate of candidacy by the date specified under subsection (b) of this section.

(b) The candidates of the successor unit for Governor and Lieutenant Governor formed under subsection (a)(3) of this section each shall file a certificate of candidacy as a successor unit before the later of:

(1) The deadline for filing a certificate of candidacy for the primary election under § 5-303 of this title; or

(2) The fifth day following the death, withdrawal, or disqualification of the former candidate.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-902.

No changes are made.

5-903.

(a) (1) If a candidate for Lieutenant Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate for Governor of that unit may designate a successor candidate for Lieutenant Governor.

(2) Provided the successor candidate for Lieutenant Governor files a certificate of candidacy in accordance with subsection (b) of this section, the name of the successor candidate for Lieutenant Governor shall appear on the ballot.

(b) (1) The successor candidate for Lieutenant Governor designated by the candidate for Governor under subsection (a) of this section shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) By the fifth day following the withdrawal deadline specified under § 5-502 of this title, if the former Lieutenant Governor candidate files a certificate of withdrawal;

(ii) By the fifth day following the death or disqualification of the former Lieutenant Governor candidate, if that former candidate dies or is disqualified less than 45 days before the day of the primary election; or

(iii) Not later than 40 days before the day of the primary, if the former Lieutenant Governor candidate dies or is disqualified 45 days or more before the day of the primary election.

(3) A certificate of candidacy for a successor candidate for Lieutenant Governor under subsection (b)(2)(ii) of this section may not be filed less than 10 days before the day of the primary election.

(c) If the death or disqualification of a former Lieutenant Governor candidate occurs less than 10 days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) Shall remain on the ballot; and

(2) If nominated, a vacancy in the nomination of the candidate for Lieutenant Governor shall be declared and be filled under § 5-1005(b) of this title as if the death or disqualification had occurred after the primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-903.

No changes are made.

5-904.

(a) This section does not apply if only one Governor and Lieutenant Governor unit files a certificate of candidacy for the nomination of a political party for those offices in a primary election.

(b) (1) If a candidate for Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate for Lieutenant Governor of that unit may:

(i) Designate the Lieutenant Governor candidate as the successor candidate for Governor and appoint a successor candidate for Lieutenant Governor; or

(ii) Designate a successor candidate for Governor.

(2) The names of any Governor and Lieutenant Governor candidate unit that is designated under paragraph (1) of this subsection shall be listed jointly on the primary election ballot.

(c) (1) The successor candidate for Governor designated by the Lieutenant Governor candidate under subsection (b)(1)(ii) of this section, or the former candidate for Lieutenant Governor who subsequently is designated as the candidate for Governor together with the candidate appointed as the successor candidate for Lieutenant Governor under subsection (b)(1)(i) of this section, each shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) By the fifth day following the withdrawal deadline specified under § 5-502 of this title, if the former candidate for Governor files a certificate of withdrawal;

(ii) By the fifth day following the day of the death or disqualification of the former candidate for Governor, if that former candidate dies or is disqualified less than 45 days before the day of the primary election; or

(iii) Not later than 40 days before the day of the primary election, if the former candidate for Governor dies or is disqualified 45 days or more before the day of the primary election.

(3) A certificate of candidacy may not be filed under subsection (c)(2)(ii) of this section less than 10 days before the day of the primary election.

(d) If the death or disqualification of a former candidate for Governor occurs less than 10 days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) Shall remain on the ballot; and

(2) If nominated, a vacancy in the office of Governor shall be declared and filled under § 5-1005 of this title as if the death or disqualification had occurred after the primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-904.

No changes are made.

5-905.

(a) If only a single Governor and Lieutenant Governor unit files for the nomination of a political party, and the candidate for Governor dies, withdraws the candidacy, or is disqualified for any reason after the filing deadline specified under § 5-303 of this article, the remaining candidate for Lieutenant Governor is disqualified.

(b) (1) In the event of a vacancy in nomination under subsection (a) of this section, the State central committee of the political party to which the candidates belong shall select a successor candidate for Governor.

(2) The State central committee shall make its selection by the 10th day following the death, withdrawal, or disqualification of the gubernatorial candidate.

(3) The candidate disqualified for the office of Lieutenant Governor under subsection (a) of this section is eligible to be chosen as the successor candidate for Governor.

(c) (1) The successor candidate for Governor selected by the State central committee under subsection (b) of this section promptly shall select a successor candidate for Lieutenant Governor.

(2) If the former candidate for Lieutenant Governor is not selected as the successor candidate for Governor, that individual is eligible to be selected again as the candidate for Lieutenant Governor.

(d) By the deadline date specified under subsection (b)(2) of this section for the selection of the successor candidate for Governor by the appropriate State central committee, in accordance with Subtitle 3 of this title:

(1) The State central committee making the selection shall file a certificate of designation for those offices with the State Board for:

(i) Its successor candidate for Governor; and

(ii) The successor candidate for Lieutenant Governor designated under subsection (c)(1) of this section; and

(2) The successor candidates for Governor and Lieutenant Governor each shall file a certificate of candidacy for those offices with the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-905.

No changes are made.

Subtitle 10. Filling Vacancies in Nomination After a Primary Election.

5-1001.

(a) When a local board receives a certificate of designation and a certificate of candidacy to fill a vacancy in nomination under this subtitle, it shall notify the State Board of the change by the end of the next business day following the receipt of the certificates.

(b) When the State Board is notified by a local board of a change in nomination under subsection (a) of this section or when a certificate of designation and a certificate of candidacy to fill a vacancy in nomination is filed directly with the State Board under this subtitle, the State Board shall:

(1) Certify the nomination and substitute, for the name of the original nominee, the name of the individual who has been designated and determined to be qualified to have that individual's name placed on the ballot as a successor nominee; and

(2) Certify the new nomination to the appropriate local boards.

(c) If the State Board has already issued a certificate of nomination for a nominee under this section, it promptly shall certify to the appropriate local boards:

(1) The name and residence of the individual designated by the State central committee of the political party as the successor nominee to fill the vacancy;

(2) The office for which the successor nominee is nominated;

(3) The political party the successor nominee represents; and

(4) The name of the individual for whom the successor nominee is substituted.

(d) If a successor nominee to fill a vacancy in office is certified by the State Board under this section, the certificate of nomination for the prior nominee is void.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1001.

No changes are made.

5-1002.

(a) This section applies only to a nominee for statewide office, except for a Governor and Lieutenant Governor unit.

(b) (1) A vacancy in nomination that occurs because a nominee dies, declines the nomination, or is disqualified for any cause shall be filled by the State central committee of the political party to which the nominee belongs.

(2) By the later of the [fortieth] 40TH day before the general election or the fifth day following the death, declination, or disqualification of the former nominee:

(i) The State central committee shall file a certificate of designation for the nominee with the State Board; and

(ii) The successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1002.

The only changes are in style.

5-1003.

(a) This section applies to a vacancy in nomination for representative in Congress, State Senator, or member of the House of Delegates, if the district includes more than one county.

(b) (1) A vacancy in nomination under this section that occurs because the nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by a vote of the central [committee]COMMITTEES of the political party in each of the counties included in the district of that nominee.

(2) The central committee of each county shall cast a vote that is proportionate to its share of the population in that district as reported in the most recent decennial census of the United States and promptly notify its State central committee of the results of its vote.

(3) (i) If no person receives a majority of the votes cast under paragraph (2) of this subsection, or if there is a tie vote by the central committees, the vacancy in nomination shall be filled by the State central committee.

(ii) In the event of a tie vote, the nominee selected by the State central committee shall be one of the candidates involved in the tie.

(4) By the later of the [fortieth] 40TH day before the general election or the fifth day following the death, declination, or disqualification of the nominee:

(i) The State central committee shall file a certificate of designation for the nominee with the State Board; and

(ii) The successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1003.

In subsection (b)(1) of this section, the word "committees" is substituted for the former reference to "committee" for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Political party" § 1-101

"State Board" § 1-101

5-1004.

(a) A vacancy in nomination for an office that is entirely in one county shall be filled BY A CENTRAL COMMITTEE IN THAT COUNTY as provided in this section.

(b) If a nominee for an office that is entirely in one county dies, declines the nomination, becomes disqualified, or gains a tie vote with another candidate in a primary election, the vacancy in nomination shall be filled by the later of:

(1) The [fortieth] 40TH day before the general election; or

(2) The fifth day following the death, declination, or disqualification of the nominee.

(c) (1) The vacancy shall be filled by the central committee of the same political party as the individual vacating the nomination.

(2) If the office is to be voted on by the voters of the entire county, the vacancy shall be filled by the central committee of that county.

(3) If the office is voted on only by the voters of one legislative district and the central committee is elected by legislative district, the vacancy shall be filled by the members of the central committee of that legislative district.

(4) If the office is for representative in Congress and is a district that is wholly within one county, the vacancy shall be filled by the central committee for that county.

(5) By the deadline prescribed in subsection (b) of this section:

(i) The applicable central committee shall file a certificate of designation with the local board; and

(ii) The successor nominee designated by the applicable central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the applicable board.

(d) If the vacancy results because of a tie vote between two or more candidates, the nominee selected by the central committee under this section shall be one of those candidates.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1004.

In subsection (a) of this section, the phrase "by a central committee, in that county" is added for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Local board" § 1-101

5-1005.

(a) This section applies:

(1) To the nominees of a Governor and Lieutenant Governor unit; and

(2) Whether or not a certificate of nomination has been issued to the nominees by the State Board.

(b) (1) If, after the primary election, a candidate for Lieutenant Governor dies, declines the nomination, or becomes disqualified, the remaining nominee for Governor of that unit may designate a successor nominee for Lieutenant Governor.

(2) By the fifth day following the day of the death, declination, or disqualification of the nominee for Lieutenant Governor:

(i) The nominee for Governor shall designate the successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection;

(ii) The State central committee of the political party of the nominee shall file a certificate of designation with the State Board; and

(iii) The successor nominee for Lieutenant Governor shall file a certificate of candidacy with the State Board.

(c) (1) If a nominee for Governor dies, declines the nomination, or becomes disqualified after the primary election, the remaining nominee for Lieutenant Governor is disqualified, except as otherwise provided in this section.

(2) (i) The State central committee of the political party of the nominee for Lieutenant Governor disqualified under paragraph (1) of this subsection shall select a successor nominee for Governor.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be chosen as the nominee for Governor.

(3) (i) The successor nominee for Governor promptly shall select a successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be selected again as the nominee for Lieutenant Governor.

(4) Except as provided under paragraph (5) of this subsection, by the fifth day following the death, declination, or disqualification of the former nominee for Governor:

(i) The State central committee shall file a certificate of designation for the successor nominee for Governor and the successor nominee for Lieutenant Governor with the State Board; and

(ii) Each of the successor nominees shall file a certificate of candidacy with the State Board.

(5) A State central committee may not file a certificate of designation for a successor nominee for Governor under this subsection within 10 days of the day of the general election.

(6) A Governor and Lieutenant Governor unit shall remain on the ballot for the general election if:

(i) A nominee for Governor dies, declines the nomination, or is disqualified less than 15 days before the general election; and

(ii) A certificate of designation and certificates of candidacy for successor nominees for Governor and Lieutenant Governor are not filed in accordance with this section.

(7) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection, during the campaign period following the death, declination, or disqualification of the gubernatorial nominee until the general election, the Lieutenant Governor nominee officially becomes the gubernatorial nominee and may assert that status in the campaign.

(8) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection and is elected, the

vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election in accordance with applicable law.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1005.

No changes are made.

Subtitle 11. Vacancies in Candidacy for Petition Candidates.

5-1101.

(a) This section applies to petition candidates for the office of Governor and Lieutenant Governor.

(b) (1) If either of the candidates of a Governor and Lieutenant Governor unit nominated by petition under § 5-703 of this title dies, withdraws a certificate of candidacy, or becomes disqualified prior to the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate may:

(i) Select a successor candidate and:

1. File a certificate or designation with the State Board; and
2. Have the individual designated file a certificate of

candidacy with the State Board in accordance with paragraph (2) of this subsection;
or

(ii) Withdraw the certificate of candidacy and form a new unit for Governor and Lieutenant Governor.

(2) Each member of the successor unit for Governor and Lieutenant Governor formed under this section shall file a certificate of candidacy before the later of:

(i) The deadline specified under § 5-303 of this title; or

(ii) The fifth day following the death, withdrawal, or disqualification of the former nominee.

(c) (1) Subject to paragraph (2) of this subsection, if either of the nominees of a Governor and Lieutenant Governor unit nominated by petition dies, withdraws a certificate of candidacy, or becomes disqualified after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining nominee may:

(i) Designate another nominee as the successor nominee for the vacancy in nomination; or

(ii) Assume the vacancy in nomination of the prior nominee and designate another nominee for the position in the unit that formerly was held by the successor nominee who assumed the vacancy created by the death, withdrawal, or disqualification of the prior nominee.

(2) (i) The successor nominees or the nominee who exercises the option to assume a position in the Governor and Lieutenant Governor unit previously held by a nominee who dies, withdraws a certificate of candidacy, or becomes disqualified shall file with the State Board either:

1. A certificate of candidacy, if no certificate was filed previously; or
2. A change of candidacy, if the nominee is a candidate for a different office as a part of the successor unit.

(ii) The certificate of candidacy:

1. Shall be filed by the fifth day following the death, withdrawal, or disqualification of a prior nominee after the deadline specified in paragraph (1) of this subsection; and
2. May not be filed within 10 days of the day of the general election.

(d) If a nominee for Governor or Lieutenant Governor subject to this section dies, withdraws a certificate of candidacy, or becomes disqualified less than 15 days before the day of the general election and the certificate of candidacy required by subsection (b) of this section is not filed with the State Board, the unit:

- (1) Shall remain on the ballot; and
- (2) If elected, the vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election, in accordance with this article or other applicable provisions of law.

(e) (1) The certificate for nomination by petition for a nominee subject to this section shall be issued by the State Board under § 5-703 of this title.

(2) No additional petitions are required if one of the members of the original Governor and Lieutenant Governor unit remains a nominee of the successor unit.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1101.

No changes are made.

5-1102.

(a) This section applies only to a petition candidate, other than Governor and Lieutenant Governor, of a nonqualified party that does not nominate its candidates by party primary.

(b) A vacancy in nomination of a petition candidate subject to this section that occurs because the candidate dies, declines the nomination, or is disqualified for any cause shall be filled by the party governing body of the nonqualified party to which the vacating candidate belongs.

(c) Within 5 days of the death, declination, or disqualification of a petition candidate subject to this section:

(1) The applicable party governing body shall file a certificate of designation with the appropriate board; and

(2) The successor candidate shall file a certificate of candidacy with the appropriate board.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1102.

No changes are made.

Subtitle 12. Miscellaneous Provisions.

5-1201.

(a) (1) Except as otherwise specifically provided in this title, if either nominee of a Governor and Lieutenant Governor unit dies, declines the nomination, or is disqualified, the remaining nominee shall cease to be a candidate if:

(i) A successor nominee is not designated or selected under this subtitle; and

(ii) The certificate of designation and certificate of candidacy required under this subtitle are not filed in a timely manner.

(2) If a successor nominee for Governor or Lieutenant Governor is not designated or selected as required under this subtitle, the name of the remaining nominee may not appear on the ballot.

(b) If an individual designated as a successor nominee for an office other than Governor or Lieutenant Governor does not file the certificate of candidacy required under this subtitle or otherwise fails to comply with the requirements of this title, the name of that individual may not appear on the ballot.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1201.

No changes are made.

5-1202.

An individual selected or designated to fill a vacancy in candidacy or nomination under this title shall:

- (1) File a certificate of candidacy with the appropriate board in accordance with Subtitle 3 of this title; and
- (2) Unless exempted under this title, pay the filing fee specified under § 5-401 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1202.

No changes are made.

5-1203.

(a) At each general election, the names of the following nominees shall be submitted to the voters:

- (1) Each candidate nominated under this title who has satisfied the requirements of this article or other provisions of law, provided the candidate has not:
 - (i) Declined the nomination; or
 - (ii) Died or become disqualified and the provisions of this article do not require that the name of the nominee nonetheless be submitted to the voters;

(2) Each nominee who has qualified for a presidential election under Title 8, Subtitle 5 of this article; and

(3) Each incumbent judge of the Court of Appeals or the Court of Special Appeals whose name is required to be submitted to the voters for continuance in office under Article IV, § 5A of the Maryland Constitution.

(b) In accordance with Title 9, Subtitle 2 of this article, the State Board shall certify to each local board the name of each nominee who has qualified for the general election ballot as the nominee's name is to appear on the ballots in that county.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1203.

No changes are made.

5-1204.

(a) If a vacancy in candidacy is properly filled and certified to the appropriate board within the time prescribed under this title and the State Administrator, in consultation with the election director of the local board, determines that there is sufficient time for the local board to reprint the ballots with the correct names, the local board shall reprint the ballots.

(b) If a vacancy in candidacy is properly filled and certified to the appropriate board within the time prescribed under this title and the voting system utilizes a separate ballot for each voter and the State Administrator [of the State Board], in consultation with the election director of the local board, determines that there is not sufficient time for the local board to reprint the ballots with the correct names, the local board shall take appropriate measures to notify the voters of:

- (1) The change in the ballot;
- (2) The procedure to be used by the voter to record the voter's vote; and
- (3) The procedure to be used by the local board to conduct the canvass.

(c) If a vacancy in candidacy is properly filled and certified to the appropriate board within the time prescribed under this title and the voting system utilizes either a mechanical lever machine or a direct recording electronic machine and the State Administrator, in consultation with the election director of the local board, determines that there is not sufficient time for the local board to reprint the ballots with the correct names, the local board immediately shall:

- (1) Have printed a sufficient quantity of stickers with the name of the substitute candidate for the precincts in which that candidacy appears on the ballot; and
- (2) Deliver the stickers to the appropriate local board personnel in the affected precincts, along with instructions for affixing the stickers to the ballot posted on the machine.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1204.

In subsection (b) of this section, the former phrase "of the State Board" is deleted as incorrect and inconsistent with a defined term.

No other changes are made.

Defined terms: "Local board" § 1-101

"State Administrator" § 1-101

Subtitle 13. Late Vacancies Before the General Election.

5-1301.

(a) Except for a candidate or nominee to fill a vacancy for the office of Governor or Lieutenant Governor, this subtitle applies to a candidate or nominee to fill a vacancy for any public office subject to this title.

(b) A nominee to fill a vacancy for Governor or Lieutenant Governor is subject to the requirements of Subtitle 10 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1301.

No changes are made.

5-1302.

(a) A certificate of designation may not be filed later than 10 days before the day of the general election.

(b) If the name of a nominee who has died, declined the nomination, or been disqualified appears on the ballot and receives a number of votes that would have been sufficient for election if the nominee had not died, declined, or been disqualified for the nomination, the vacancy thereby created shall be:

- (1) Deemed to have occurred after the day of the general election; and
- (2) Filled in accordance with this article or other provisions of law.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1302.

No changes are made.

5-1303.

(a) (1) If a nominee dies, declines the nomination, or is disqualified after the primary election but before a certificate of nomination is issued by the appropriate board with which candidates for that office must file a certificate of candidacy under § 5-302 of this title, the canvass and certification of the primary election results shall proceed as though the candidate had not died, declined the nomination, or been disqualified.

(2) If, following the canvass and certification, the individual who is certified as the nominee has died, declined the nomination, or been disqualified, a successor nominee may be named in the manner provided by law.

(b) (1) If a winning candidate dies, declines the office, or becomes disqualified after the general election but before the certification of the general election results, the canvass and certification shall proceed as though the candidate had not died, declined the office, or been disqualified.

(2) If, following the canvass and certification of the general election results, the individual who is declared elected has died, declined the office, or been disqualified, the office shall be declared vacant and filled in the manner provided by law.

REVISOR'S NOTE: This section formerly was Art. 33, § 5-1303.

No changes are made.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Write-in candidate" § 1-101

Title 6. Petitions.

Subtitle 1. Definitions and General Provisions.

6-101.

- (a) In this title the following words have the meanings indicated.
- (b) "Affidavit" means a statement executed under penalty of perjury.
- (c) "Chief election official" means:
 - (1) As to the State Board, the State Administrator; or
 - (2) As to a local board, the election director.
- (d) "Circulator" means an individual who attests to one or more signatures affixed to a petition.
- (e) "Election authority" means:
 - (1) The State Board; or
 - (2) As to a local petition, the local board for that county.
- (f) "Legal authority" means:
 - (1) The Attorney General; or
 - (2) As to a local petition, the county attorney or law department for that county.
- (g) "Local petition" means a petition:
 - (1) On which the signatures from only one county may be counted; and
 - (2) That does not seek to:
 - (i) Refer a public local law enacted by the General Assembly; or
 - (ii) Nominate an individual for an office for which a certificate of candidacy is required to be filed with the State Board.
- (h) "Page" means a piece of paper comprising a part of a petition.
- (i) "Petition" means all of the associated pages necessary to fulfill the requirements of a process established by the law by which individuals affix their signatures as evidence of support for:
 - (1) Placing the name of an individual, the names of individuals, or a question on the ballot at any election;

- (2) The creation of a new political party; or
- (3) The appointment of a charter board under Article XI-A, § 1A of the Maryland Constitution.

(j) "Sponsor" means the person who coordinates the collection of signatures for a petition and who, if the petition is filed, is named on the information page as required by § 6-201 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-101.

No changes are made.

6-102.

(a) Except as provided in subsection (b) of this section, this title applies to any petition authorized by law to place the name of an individual or a question on the ballot or to create a new political party.

(b) This title does not apply to a petition filed pursuant to Article 23A of the Code.

(c) This title may not be interpreted to conflict with any provision relating to petitions specified in the Maryland Constitution.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-102.

No changes are made.

6-103.

(a) (1) The State Board shall adopt regulations, consistent with this title, to carry out the provisions of this title.

(2) The regulations shall:

- (i) Prescribe the form and content of petitions;
- (ii) Specify procedures for the circulation of petitions for signatures;
- (iii) Specify procedures for the verification and counting of

signatures; and

(iv) Provide any other procedural or technical requirements that the State Board considers appropriate.

(b) (1) The State Board shall:

- (i) Prepare guidelines and instructions relating to the petition

process; and

(ii) Design and arrange to have printed sample forms conforming to this subtitle for each purpose for which a petition is authorized by law.

(2) The guidelines, instructions, and forms shall be provided to the public, on request, without charge.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-103.

No changes are made.

Subtitle 2. Content and Process of Petitions.

6-201.

(a) A petition shall contain:

(1) An information page; and

(2) Signature pages containing not less than the total number of signatures required by law to be filed.

(b) The information page shall contain:

(1) A description of the subject and purpose of the petition, conforming to the requirements of regulations;

(2) Identification of the sponsor and, if the sponsor is an organization, of the individual designated to receive notices under this subtitle;

(3) The required information relating to the signatures contained in the petition;

(4) The required affidavit made and executed by the sponsor or, if the sponsor is an organization, by an individual responsible to and designated by the organization; and

(5) Any other information required by regulation.

(c) Each signature page shall contain:

(1) A description of the subject and purpose of the petition, conforming to the requirements of regulations;

(2) If the petition seeks to place a question on the ballot, either:

(i) A fair and accurate summary of the substantive provisions of the proposal; or

(ii) The full text of the proposal;

(3) A statement, to which each signer subscribes, that:

(i) The signer supports the purpose of that petition process; and

(ii) Based on the signer's information and belief, the signer is a registered voter in the county specified on the page and is eligible to have his or her signature counted;

(4) Spaces for signatures and the required information relating to the signers;

(5) A space for the name of the county in which each of the signers of that page is a registered voter;

(6) A space for the required affidavit made and executed by the circulator; and

(7) Any other information required by regulation.

(d) If the petition seeks to place a question on the ballot and the sponsor elects to print a summary of the proposal on each signature page as provided in subsection (c)(2)(i) of this section:

(1) The circulator shall have the full text of the proposal present at the time and place that each signature is affixed to the page; and

(2) The signature page shall state that the full text is available from the circulator.

(e) A signature page shall satisfy the requirements of subsections (c) and (d)(2) of this section before any signature is affixed to it and at all relevant times thereafter.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-201.

No changes are made.

6-202.

(a) The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

(b) In making the determination, the chief election official may seek the advice of the legal authority.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-202.

No changes are made.

6-203.

(a) To sign a petition, an individual shall:

(1) Sign the individual's name as it appears on the registration list or the individual's surname of registration and at least one full given name and the initials of any other names; and

(2) Include the following information, printed or typed, in the spaces provided:

(i) The signer's name as it was signed;

(ii) The signer's address;

(iii) The date of signing; and

(iv) Other information required by regulations adopted by the State

Board.

(b) The signature of an individual shall be validated and counted if:

(1) The requirements of subsection (a) of this section have been satisfied;

(2) The individual is a registered voter in the county specified on the signature page and, if applicable, in a particular geographic area of the county;

(3) The individual has not previously signed the same petition;

(4) The signature is attested by an affidavit appearing on the page on which the signature appears;

(5) The date accompanying the signature is not later than the date of the affidavit on the page; and

(6) If applicable, the signature was affixed within the requisite period of time, as specified by law.

(c) (1) A signature may be removed:

(i) By the signer upon written application to the election authority with which the petition will be filed if the application is received by the election authority prior to the filing of that signature; or

(ii) Prior to the filing of that signature, by the circulator who attested to that signature or by the sponsor of the petition, if it is concluded that the signature does not satisfy the requirements of this title.

(2) A signature removed pursuant to paragraph (1)(ii) of this subsection may not be included in the number of signatures stated on the information page included in the petition.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-203.

No changes are made.

6-204.

(a) Each signature page shall contain an affidavit made and executed by the individual in whose presence all of the signatures on that page were affixed and who observed each of those signatures being affixed.

(b) The affidavit shall contain the statements, required by regulation, designed to assure the validity of the signatures and the fairness of the petition process.

(c) A circulator must be at least 18 years old at the time any of the signatures covered by the affidavit are affixed.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-204.

No changes are made.

6-205.

(a) (1) Unless otherwise required by the Maryland Constitution, a petition shall be filed, in person by or on behalf of the sponsor, in the office of the appropriate election authority.

(2) If the Maryland Constitution provides that a petition shall be filed with the Secretary of State, the Secretary of State shall deliver the petition to the State Board within 24 hours.

(3) If the Maryland Constitution provides that a petition shall be filed with an official or governmental body of a county, the official or governmental body, after determining that the petition is in conformance with the requirements of law, shall dispatch the petition to the local board for that county within 24 hours.

(4) A petition forwarded under paragraph (2) or (3) of this subsection shall be processed under this subtitle as if it had been filed with the election authority.

(b) The regulations adopted by the State Board may provide that the signature pages of a petition required to be filed with the State Board be delivered by the sponsor, or an individual authorized by the sponsor, to the appropriate local board or boards for verification and counting of signatures.

(c) A petition may not be accepted for filing unless the information page indicates that the petition satisfies any requirements established by law for the time of filing and for the number and geographic distribution of signatures.

(d) Subsequent to the filing of a petition under this subtitle, but prior to the deadline for filing the petition, additional signatures may be added to the petition by filing an amended information page and additional signature pages conforming to the requirements of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-205.

No changes are made.

6-206.

(a) Promptly upon the filing of a petition with an election authority, the chief election official of the election authority shall review the petition.

(b) Unless a determination of deficiency is made under subsection (c) of this section, the chief election official shall:

(1) Make a determination that the petition, as to matters other than the validity of signatures, is sufficient; or

(2) Defer a determination of sufficiency pending further review.

(c) The chief election official shall declare that the petition is deficient if the chief election official determines that:

(1) The petition was not timely filed;

(2) After providing the sponsor an opportunity to correct any clerical errors, the information provided by the sponsor indicates that the petition does not satisfy any requirements of law for the number or geographic distribution of signatures;

(3) An examination of unverified signatures indicates that the petition does not satisfy any requirements of law for the number or geographic distribution of signatures;

(4) The requirements relating to the form of the petition have not been satisfied;

(5) Based on the advice of the legal authority:

(i) The use of a petition for the subject matter of the petition is not authorized by law; or

(ii) The petition seeks:

1. The enactment of a law that would be unconstitutional or the election or nomination of an individual to an office for which that individual is not legally qualified to be a candidate; or

2. A result that is otherwise prohibited by law; or

(6) The petition has failed to satisfy some other requirement established by law.

(d) A determination under this section may not be inconsistent with an advance determination made under § 6-202 of this subtitle.

(e) Notice of a determination under this section shall be provided in accordance with § 6-210 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-206.

No changes are made.

6-207.

(a) Upon the filing of a petition, and unless it has been declared deficient under § 6-206 of this subtitle, the staff of the election authority shall proceed to verify the signatures and count the validated signatures contained in the petition.

(b) The State Board, by regulation, shall establish the process to be followed by all election authorities for verifying and counting signatures on petitions.

(c) (1) The process established under subsection (b) of this section shall provide for optional verification of a random sample of signatures contained in a petition.

(2) Verification by random sample may only be used, with the approval of the State Board:

(i) For a single-county petition containing more than 500 signatures; or

(ii) In the case of a multicounty petition, by a local board that receives signature pages containing more than 500 signatures.

(3) Verification under this subsection shall require the random selection and verification of 500 signatures or 5% of the total signatures on the petition, whichever number is greater, to determine what percentage of the random sample is composed of signatures that are authorized by law to be counted. That percentage shall be applied to the total number of signatures in the petition to establish the number of valid signatures for the petition.

(4) (i) If the random sample verification establishes that the total number of valid signatures does not equal 95% or more of the total number required, the petition shall be deemed to have an insufficient number of signatures.

(ii) If the random sample verification establishes that the total number of valid signatures exceeds 105% of the total number required, the petition shall be deemed to have a sufficient number of signatures.

(iii) If the random sample verification establishes that the total number of valid signatures is at least 95% but not more than 105% of the total

number required, a verification of all the signatures in the petition shall be conducted.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-207.

No changes are made.

6-208.

(a) At the conclusion of the verification and counting processes, the chief election official of the election authority shall:

(1) Determine whether the validated signatures contained in the petition are sufficient to satisfy all requirements established by law relating to the number and geographical distribution of signatures; and

(2) If it has not done so previously, determine whether the petition has satisfied all other requirements established by law for that petition and immediately notify the sponsor of that determination, including any specific deficiencies found.

(b) If the chief election official determines that a petition has satisfied all requirements established by law relating to that petition, the chief election official shall certify that the petition process has been completed and shall:

(1) With respect to a petition seeking to place the name of an individual or a question on the ballot, certify that the name or question has qualified to be placed on the ballot;

(2) With respect to a petition seeking to create a new political party, certify the sufficiency of the petition to the chairman of the governing body of the partisan organization; and

(3) With respect to the creation of a charter board under Article XI-A, § 1A of the Maryland Constitution, certify that the petition is sufficient.

(c) Notice of a determination under this section shall be provided in accordance with § 6-210 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-208.

No changes are made.

6-209.

(a) (1) A person aggrieved by a determination made under § 6-202, § 6-206, or § 6-208(a)(2) of this subtitle may seek judicial review:

(i) In the case of a statewide petition, a petition to refer an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution, or a petition for a congressional or General Assembly candidacy, in the Circuit Court for Anne Arundel County; or

(ii) As to any other petition, in the circuit court for the county in which the petition is filed.

(2) The court may grant relief as it considers appropriate to assure the integrity of the electoral process.

(3) Judicial review shall be expedited by each court that hears the cause to the extent necessary in consideration of the deadlines established by law.

(b) Pursuant to the Maryland Uniform Declaratory Judgments Act and upon the complaint of any registered voter, the circuit court of the county in which a petition has been or will be filed may grant declaratory relief as to any petition with respect to the provisions of this title or other provisions of law.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-209.

No changes are made.

6-210.

(a) (1) A request for an advance determination under § 6-202 of this subtitle shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the deadline for the filing of the petition.

(2) Within 5 business days of receiving the request for an advance determination, the election authority shall make the determination.

(b) Within 2 business days after an advance determination under § 6-202 of this subtitle, or a determination of deficiency under § 6-206 or § 6-208 of this subtitle, the chief election official of the election authority shall notify the sponsor of the determination.

(c) The verification and counting of validated signatures on a petition shall be completed within 20 days after the filing of the petition.

(d) Within 2 business days of the completion of the verification and counting processes, or, if judicial review is pending, within 2 business days after a final judicial decision, the appropriate election official shall make the certifications required by § 6-208 of this subtitle.

(e) (1) Except as provided in paragraph (2) of this subsection, any judicial review of a determination, as provided in § 6-209 of this subtitle, shall be sought by the 10th day following the determination to which it relates.

(2) If the petition seeks to place the name of an individual or a question on the ballot at any election, judicial review shall be sought by the day specified in paragraph (1) of this subsection or the 63rd day preceding that election, whichever day is earlier.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-210.

No changes are made.

6-211.

Offenses and penalties relating to the petition process shall be as provided in Title 16 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 6-211.

No changes are made.

Title 7. Questions.

7-101.

This title applies to the following types of ballot questions:

- (1) A question relating to:
 - (i) The creation or adoption of a new Constitution or the calling of a constitutional convention; or
 - (ii) An amendment pursuant to Article XIV of the Maryland Constitution;
- (2) Referral of an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution;
- (3) A question pursuant to Article XI-A of the Maryland Constitution relating to:
 - (i) The creation of a charter home rule county government;
 - (ii) The approval of a county charter; or
 - (iii) The amendment of a county charter;
- (4) A question relating to the creation of a code home rule county government pursuant to Article XI-F of the Maryland Constitution;
- (5) A question relating to the alteration of county boundaries or the creation of a new county pursuant to Article XIII of the Maryland Constitution;
- (6) A question referred to the voters pursuant to an enactment of the General Assembly;
- (7) A question on an enactment of a charter county pursuant to Article 25A, § 8 of the Code or a code county pursuant to Article 25B, § 10 of the Code;
- (8) A question relating to the incorporation of a new municipality pursuant to Article 23A, § 21 of the Code;

(9) A question on the issuance of a bond pursuant to § 9-934 of the Environment Article; and

(10) Any other question that will be voted on in an election conducted pursuant to this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 7-101.

No changes are made.

7-102.

(a) (1) A question relating to the holding of a constitutional convention qualifies for the ballot automatically every 20 years pursuant to Article XIV, § 2 of the Maryland Constitution.

(2) A question relating to the adoption of a new or altered Constitution qualifies upon its adoption by a duly constituted convention pursuant to Article XIV, § 2 of the Maryland Constitution.

(3) An amendment to the Constitution qualifies upon its passage by the General Assembly pursuant to Article XIV, § 1 of the Maryland Constitution.

(b) A question on an act of the General Assembly pursuant to Article XVI of the Maryland Constitution qualifies upon the certification under Title 6 of this article, that the petition has satisfied all the requirements established by Article XVI.

(c) (1) A question relating to the creation of a home rule county government qualifies upon either:

(i) A determination by the appropriate local authority that the applicable petition has satisfied all the requirements established by law relating to the creation of a charter board; or

(ii) The adoption by the governing body of a county of an enactment proposing that the county become a code county.

(2) A question relating to the approval of a county charter qualifies upon the adoption of a proposed charter by a charter board pursuant to the requirements prescribed by Article XI-A of the Maryland Constitution.

(3) A question relating to the amendment of a county charter shall qualify either upon:

(i) The passage by the governing body of the county of a resolution proposing the amendment; or

(ii) A determination by the governing body of the county that a petition submitted has satisfied all the requirements established by law relating to petitions initiating charter amendments.

(d) A question relating to the creation of a new county or the alteration of county boundaries qualifies upon the enactment of the implementing public general law.

(e) A question referred to the voters as provided in an enactment of the General Assembly qualifies upon the enactment of the law calling for the question.

(f) (1) A question on an enactment by a charter county qualifies pursuant to local law and Article 25A, § 8 of the Code.

(2) A question on an enactment by a code county qualifies pursuant to local law and Article 25B, § 10 of the Code.

(g) A question relating to the incorporation of a new municipal corporation qualifies upon the determination by the county governing body that the applicable petition has satisfied all the requirements established by law for that petition.

(h) A referendum on a question of issuance of a bond pursuant to § 9-934 of the Environment Article qualifies upon submission of the question to the appropriate local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 7-102.

No changes are made.

7-103.

(a) In this section, "county attorney" means:

(1) The attorney or law department established by a county charter or local law to represent the county generally, including its legislative and executive officers; or

(2) If the county charter or local laws provide for different attorneys to represent the legislative and executive branches of county government, the attorney designated to represent the county legislative body.

(b) Each question shall appear on the ballot containing the following information:

(1) A question number or letter as determined under subsection (d) of this section;

(2) A brief designation of the type or source of the question;

(3) A brief descriptive title in boldface type;

(4) A condensed statement of the purpose of the question; and

(5) The voting choices that the voter [will have] HAS.

(c) (1) The Secretary of State shall prepare and certify to the State Board, not later than the third Monday in August, the information required under subsection (b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.

(2) The State Board shall prepare and certify to the appropriate local board, not later than the second Monday in August, the information required under subsection (b) of this section for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

(3) (i) Unless some other process is mandated by law, the county attorney of the appropriate county shall prepare and certify to the appropriate local board, not later than the third Monday in August, the information required under subsection (b) of this section for each question to be voted on in a single county or part of a county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the jurisdiction shall prepare and certify that information to the local board not later than the fourth Monday in August.

(iii) A local board shall provide a copy of each certified question to the State Board within 48 hours after receipt of the certification from the certifying authority.

(d) (1) Each statewide question and each question relating to an enactment of the General Assembly which is petitioned to referendum shall be assigned a numerical identifier in the following order:

(i) By years of sessions of the General Assembly at which enacted;
and

(ii) For each such session, by chapter numbers of the Session Laws
of that session.

(2) A question that has been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly shall be assigned an alphabetical identifier in an order established by the State Board.

(3) Questions certified under subsection (c)(3)(i) or (ii) of this section shall be assigned an alphabetical identifier in an order established by the certifying authority, consistent with and following the questions certified by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 7-103.

The only changes are in style.

Defined terms: "Local board" § 1-101

"State Board" § 1-101

7-104.

(a) A petition for the election of a charter board may not be filed unless all of the signatures attached to the petition have been written by the signers within 6 months of the date when the petition is presented to the board.

(b) A petition relating to a question arising under Article XI-A of the Maryland Constitution shall be filed with the appropriate governmental body or officer not later than the second Monday in August in the year of the election at which the question is to be voted on.

(c) (1) At the time of filing a petition under the provisions of Article XI-A or Article XVI of the Maryland Constitution, the person who files the petition shall also file a signed statement, under penalty of perjury, showing the contributions and expenditures for the petition including:

(i) The name and post office address of every contributor to the expense of the petition;

(ii) The amount contributed by each contributor; and

(iii) The name and address of each person to whom any money was paid or promised for providing a service related to the petition.

(2) If the statement under paragraph (1) of this subsection is not filed with the petition, the petition may not be certified under § 6-208 of this article.

(3) (i) The individual who signed the statement required under paragraph (1) of this subsection shall be a party to any proceeding to test the validity of the petition.

(ii) The proceeding shall be filed in the county where the person or association resides or maintains its principal place of business.

REVISOR'S NOTE: This section formerly was Art. 33, § 7-104.

No changes are made.

7-105.

(a) A local board shall provide notice of each question to be submitted statewide and each question to be submitted to the voters of the county, by:

(1) Specimen ballot mailed at least 1 week before the general election; or

(2) Publication or dissemination by mass communication during the 3 weeks immediately preceding the general election at which a question will appear on the ballot.

(b) (1) For any question submitted under Article XIV or Article XVI of the Maryland Constitution, the notice required by subsection (a) of this section shall

contain the information specified in § 7-103(b) of this title and a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.

- (2) The statement required under paragraph (1) of this subsection shall be:
- (i) Prepared by the Department of Legislative Services;
 - (ii) Approved by the Attorney General; and
 - (iii) Submitted to the State Board by the fourth Monday in August.
- (3) The statement required under paragraph (1) of this subsection is sufficient if it is:
- (i) Contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot; or
 - (ii) Consistent with some other process mandated by the Maryland Constitution.
- (c) The State Board shall adopt regulations governing notice of questions to appear on the ballot, including the use and content of specimen ballots and the publication or dissemination of notice by mass communication.
- (d) (1) The complete text of a question shall be posted or available for public inspection in the office of the State Board and each applicable local board for 30 days prior to the general election.
- (2) Copies of the complete text of all statewide questions shall be furnished by the State Board to the local boards in quantities as determined by the State Board, including quantities sufficient to provide one copy of each for posting in each polling place and in each local board office.
- (3) An individual may receive without charge a copy of the complete text of all constitutional amendments and questions from a local board, either in person or by mail.

REVISOR'S NOTE: This section formerly was Art. 33, § 7-105.

No changes are made.

Title 8. Elections.

Subtitle 1. Elections Generally.

8-101.

(a) Under the supervision of the State Board, and in accordance with regulations and procedures adopted by the State Board, a local board shall conduct all elections held under this article in the county in which the board is located.

(b) Except where it would be inappropriate, or as otherwise provided in this article, the electoral process for primary elections, general elections, and special elections shall be uniform.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-101.

No changes are made.

8-102.

(a) Except as required under subsection (d) of this section, a local board shall provide notice of each election in its county to the registered voters of the county by either:

(1) Specimen ballot mailed at least 1 week before the election; or

(2) Publication or dissemination by mass communication during the calendar week preceding the election.

(b) The notice shall include:

(1) The time and place of the election; and

(2) The offices, candidate names, and questions contained on the ballot.

(c) (1) If a local board provides notice by mailing specimen ballots, a specimen ballot shall be mailed to all registered voters in the county who are eligible to vote in the election.

(2) The specimen ballot shall be a facsimile of the ballot that the voter is entitled to vote in the election.

(d) (1) In Prince George's County for the general election, the Board shall:

(i) Provide notice by mailing specimen ballots; and

(ii) Mail a specimen ballot to the household of each registered voter

in the County.

(2) The costs for mailing specimen ballots in Prince George's County shall be included in the County's annual budget appropriation to the local board.

(e) (1) Unless a local board mails a specimen ballot to its registered voters in accordance with subsection (c) or (d) of this section, the local board shall give notice of the election by newspaper publication or other means of mass communication.

(2) The notice of election under this subsection shall be arranged, if practicable, in the same order and form as the ballot.

(3) (i) If newspaper publication is used in a county, the notice shall be advertised in at least two newspapers of general circulation that are published in the county.

(ii) In a county in which only one newspaper is published, the notice shall be published in that newspaper.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-102.

No changes are made.

8-103.

(a) In the event of a state of emergency, declared by the Governor in accordance with the provisions of law, that interferes with the electoral process, the emergency proclamation may:

(1) Provide for the postponement, until a specific date, of the election in part or all of the State;

(2) Specify alternate voting locations; or

(3) Specify alternate voting systems.

(b) (1) If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the State Board or a local board, after conferring with the State Board, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

(2) The State Board shall develop guidelines concerning methods for addressing possible emergency situations.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-103.

No changes are made.

Subtitle 2. Primary Elections.

8-201.

(a) (1) There shall be a statewide primary election in every even-numbered year.

(2) A primary election shall be held:

(i) In the year in which the Governor is elected, on the second Tuesday after the first Monday in September; and

(ii) In the year in which the President of the United States is elected, on the first Tuesday in March.

(b) In Baltimore City, there shall be a primary election for municipal offices on the second Tuesday following the first Monday in September in the year following the election of the Governor.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-201.

No changes are made.

8-202.

(a) A principal political party, as determined by the statement of registration issued by the State Board under § 3-509(b) of this article:

(1) Shall use the primary election to:

(i) Nominate its candidates for public office; and

(ii) Elect all members of the local central committees of the political party; and

(2) May use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.

(b) Except for a nominee for President or Vice President, the name of a nominee of a principal political party may not appear on the ballot in a general election if the individual has not:

(1) Been nominated in the primary election; or

(2) Been designated to fill a vacancy in nomination in accordance with Subtitle 5 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-202.

No changes are made.

8-203.

(a) Except as provided in subsection (b) of this section, in accordance with Title 9, Subtitle 2 of this article, the State Board shall certify to the local board of a county the names of candidates on the primary election ballots in that county.

(b) This section does not apply to a special primary election for the office of Representative in Congress.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-203.

No changes are made.

8-204.

If a candidate qualifies for the primary election ballot in accordance with § 5-601 of this article, and is unopposed for the nomination, the word "unopposed" shall be placed next to the candidate's name.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-204.

No changes are made.

8-205.

A voter may not cast a write-in vote in a primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-205.

No changes are made.

Subtitle 3. General Elections.

8-301.

(a) (1) There shall be a statewide general election in each even-numbered year.

(2) A statewide general election shall be held on the Tuesday following the first Monday in November.

(b) In Baltimore City, there shall be a general election for municipal offices on the Tuesday following the first Monday in November in the year following the election of the Governor.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-301.

No changes are made.

Subtitle 4. Special Elections.

8-401.

(a) A special primary election and a special general election may be held at a time other than the date of a regular primary election and a regular general election:

(1) To fill a vacancy in the office of Representative in Congress; or

(2) To fill a vacancy in the county council if the charter of that county provides for [such] special elections.

(b) (1) Special elections to fill a vacancy in the office of Representative in Congress shall be held at the time specified in Subtitle 7 of this title.

(2) Special elections to fill vacancies in a county council shall be held as provided in the county charter.

(c) An election to fill a vacancy in the office of United States Senator shall be held concurrently with a regular election as provided in Subtitle 6 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-401.

The only changes are in style.

Subtitle 5. Presidential Elections.

8-501.

(a) Delegates and alternate delegates to the national presidential nominating convention of a political party shall be selected as provided in the national party rules of the party.

(b) The State central committee of each political party shall certify to the State Board, not later than January 1 in the year of the election:

(1) The number of delegates and alternate delegates to be selected in the State and the mode or modes of selection; and

(2) In the case of a principal political party:

(i) If delegates are to be elected by district, the number of delegates to be elected from each district;

(ii) Provisions for placing on the ballot the name of a presidential candidate, or the word "uncommitted", adjacent to the name of each candidate for delegate; and

(iii) Any other provisions of the national party rules of the party that relate to the election of delegates or alternate delegates at the primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-501.

No changes are made.

8-502.

(a) This section applies to the placement on the ballot in the primary election of the names of individuals who are candidates for nomination by principal political parties to the office of President of the United States.

(b) An individual who desires to run in the primary election may be placed on the ballot only:

(1) By direction of the Secretary of State in accordance with subsection (c) of this section; or

(2) By filing, in accordance with subsection (d) of this section, a petition containing the signatures of at least 400 registered voters from each congressional district in the State.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party during the period beginning 90 days before the primary election and ending 70 days before the primary election.

(ii) The Secretary of State shall certify to the State Board the names of candidates for the Democratic Party nomination on the first business day in the year of the election.

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that [he or she] THE CANDIDATE is not and does not intend to become a candidate for the office in the Maryland primary election.

(d) (1) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, as follows:

(i) For candidates for the nomination of the Democratic party, not later than 9 p.m. on the day that is 1 week later than the first business day of the year of the election; and

(ii) For candidates for the nomination of any other principal political party, at least 70 days before the day of the election.

(2) A petition filed under this section is not subject to Title 4 or Title 5 of this article.

(e) The State Board shall establish a procedure for the Democratic presidential primary through which votes may be cast as uncommitted to any presidential candidate.

(f) The names of the candidates for President qualifying under this section shall be certified to the local boards by the State Board and shall be printed on all ballots used for the primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-502.

The only changes are in style.

8-503.

(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.

(c) (1) The names of individuals nominated as candidates for presidential elector by a political party shall be certified to the State Board by the presiding officers of the political party.

(2) The names of individuals nominated as candidates for presidential elector by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate on a form prescribed by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-503.

No changes are made.

8-504.

(a) (1) At the general election for President and Vice President of the United States there shall be elected, in accordance with subsection (b) of this section, the number of presidential electors to which this State is entitled.

(2) Presidential electors shall be elected at large by the voters of the entire State.

(b) (1) The names of the candidates for the office of presidential elector may not be printed on the ballot.

(2) A vote for the candidates for President and Vice President of a political party shall be [deemed] CONSIDERED to be and counted as a vote for each of the presidential electors of the political party nominated in accordance with § 8-503 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-504.

The only changes are in style.

8-505.

(a) (1) The individuals elected to the office of presidential elector shall meet in the State House in the City of Annapolis on the day provided by the Constitution and laws of the United States.

(2) The conduct of the meeting shall be consistent with the requirements of federal law.

(b) (1) Before proceeding to perform the duties of their office, the presidential electors who are present shall fill any vacancy in the office of elector, whether the vacancy is caused by absence or other reason.

(2) An individual appointed to fill a vacancy is entitled to all rights and privileges of the duly elected electors.

(c) After taking the oath prescribed by Article I, § 9 of the Maryland Constitution before the Clerk of the Court of Appeals or, in the Clerk's absence, before one of the Clerk's deputies, the presidential electors shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State of Maryland.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-505.

The only changes are in style.

Subtitle 6. United States Senators.

8-601.

Except for a special election to fill a vacancy, an election for the office of United States Senator shall be held:

- (1) In 1998 and every sixth year thereafter; and
- (2) In 2000 and every sixth year thereafter.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-601.

No changes are made.

8-602.

(a) (1) If there is a vacancy in the office of United States Senator, the Governor shall appoint an eligible individual to fill the vacancy.

(2) Except as provided in paragraph (3) of this subsection, the appointed individual shall serve until a successor is elected pursuant to subsection (b) of this section to fill the remainder of the term.

(3) The appointed individual shall serve for the remainder of the term if the vacancy occurs after the date that is 21 days before the deadline for filing certificates of candidacy for the election that is held in the fourth year of the term.

(b) If the vacancy occurs before the date that is 21 days before the deadline for filing certificates of candidacy for the next succeeding regular statewide election, the Governor shall issue a proclamation immediately after the occurrence of the vacancy

declaring that a special primary election and a special general election shall be held at the same time as the next regular statewide primary election and regular statewide general election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-602.

No changes are made.

Subtitle 7. Representatives in Congress.

8-701.

(a) The State is divided into eight districts for the election of the State's representatives in Congress.

(b) All references in this subtitle to election districts, wards, precincts, census tracts, and geographical features shall be [deemed] CONSIDERED to refer to those units and features as they existed on April 1, 1990.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-701.

The only changes are in style.

8-702.

(a) The first congressional district consists of the following counties in their entirety:

- (1) Caroline County;
- (2) Cecil County;
- (3) Dorchester County;
- (4) Kent County;
- (5) Queen Anne's County;
- (6) Somerset County;
- (7) Talbot County;
- (8) Wicomico County; and
- (9) Worcester County.

(b) The district also includes the following parts of Anne Arundel County:

- (1) Election district 6 in its entirety;
- (2) Election district 1, precincts 3, 9, and 15 through 18;

- (3) Election district 2, precincts 2 through 17;
- (4) Election district 3, precincts 2 through 9 and 14;
- (5) Election district 4, precincts 3, 4, and 6;
- (6) Election district 5, precincts 1 through 8, 11, 12, 13, 15, and 17
through 24;
- (7) Election district 7, precincts 18 and 20;
- (8) That part of election district 1, precinct 13 that is generally east of a line that runs along the center of West Arundel Road from Belle Grove Road to Levin Road, thence along the center of Levin Road to West Edgevale Road, thence along the center of West Edgevale Road to Belle Grove Road;
- (9) That part of election district 4, precinct 2 that is generally west of a line that runs along the center of Damascus Street from Monterey Avenue to Telegraph Road, thence along the center of the Telegraph Road to Gill Street, thence along the center of Gill Street to Monterey Avenue; and
- (10) That part of election district 5, precinct 14 that is generally south of a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road to West Earleigh Heights Road.

(c) The district also includes the following parts of Baltimore City:

Ward 25, precincts 14 through 21.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-702.

No changes are made.

8-703.

- (a) The second congressional district consists of Harford County in its entirety.
- (b) The district also includes the following parts of Baltimore County:
- (1) Election districts 5 through 8, 10, 12, and 15 in their entirety;
- (2) Election district 4, precinct 6;
- (3) Election district 9, precincts 3, 4, 5, 7 through 11, 15 through 19, 23,
and 24;
- (4) Election district 11, precincts 1 through 7 and 9;
- (5) Election district 14, precincts 3, 5, 8, and 9; and

(6) That part of election district 9, precinct 2 that is generally east of the line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue, thence along the center of Willow Avenue to Sherwood Avenue, thence along the center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along the center of Clinton Street to Carrollton Avenue, thence along the center of Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood Run, thence along the center of Greenwood Run to a point east of Berwick Road, thence along an imaginary line to Berwick Road, thence along the center of Berwick Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue, thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the center of Ruxton Road to the railroad tracks, thence along the center of the railroad tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona Avenue, thence along the center of Bellona Avenue to North Charles Street.

(c) The district also includes the following parts of Anne Arundel County:

- (1) Election district 3, precincts 1, 10 through 13, and 15 through 18;
- (2) Election district 5, precincts 9, 10, and 16; and

(3) That part of election district 5, precinct 14 that is generally north of a line that runs along the center of Earleigh Heights Road from Jumpers Hole Road to West Earleigh Heights Road.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-703.

No changes are made.

8-704.

(a) The third congressional district consists of the following parts of Baltimore City:

- (1) Wards 1, 2, and 21 through 24 in their entirety;
- (2) Ward 3, precinct 3;
- (3) Ward 4, precinct 1;
- (4) Ward 6, precincts 5 and 6;
- (5) Ward 8, precincts 1 and 2;
- (6) Ward 13, precincts 2 through 5, 23, and 24;
- (7) Ward 25, precincts 3 through 13;

- (8) Ward 26, precincts 1 through 24, 32 through 35, 39 through 45, and 47 through 51;
- (9) Ward 27, precincts 1 through 29, 31, 33 through 36, 59 through 62, 67 through 91, and 102 through 108;
- (10) Ward 28, precinct 1; and
- (11) That part of ward 3, precinct 1 that is south of a line that runs along the center of North Eden Street from East Fayette Street to East Fairmont Avenue, thence along the center of East Fairmont Avenue to South Spring Street, thence along the center of South Spring Street to East Baltimore Street, thence along the center of East Baltimore Street to South Dallas Street, thence along the center of South Dallas Street to East Fayette Street.

(b) The district also includes the following parts of Baltimore County:

- (1) Election district 13 in its entirety;
- (2) Election district 2, precincts 8, 9, and 13 through 16;
- (3) Election district 3, precincts 2 through 11;
- (4) Election district 4, precincts 1, 2, 4, and 5;
- (5) Election district 9, precincts 1, 6, 12, 13, 14, 20, 21, and 22;
- (6) Election district 11, precinct 8;
- (7) Election district 14, precincts 1, 2, 4, 6, and 7; and
- (8) That part of election district 9, precinct 2 that is generally west of the line that runs along the center of Bellona Avenue from Joppa Road to Willow Avenue, thence along the center of Willow Avenue to Sherwood Avenue, thence along the center of Sherwood Avenue to Walnut Hill Lane, thence along the center of Walnut Hill Lane to Bellona Avenue, thence along the center of Bellona Avenue to Maywood Avenue, thence along the center of Maywood Avenue to Clinton Street, thence along the center of Clinton Street to Carrollton Avenue, thence along the center of Carrollton Avenue to Boyce Avenue, thence along the center of Boyce Avenue to Greenwood Road #2, thence along the center of Greenwood Road #2 to Greenwood Run, thence along the center of Greenwood Run to a point east of Berwick Road, thence along an imaginary line to Berwick Road, thence along the center of Berwick Road to Locust Avenue, thence along the center of Locust Avenue to Bellona Avenue, thence westerly along the center of Bellona Avenue to Ruxton Road, thence along the center of Ruxton Road to the railroad tracks, thence along the center of the railroad tracks to Greenwood Run, thence along the center of Greenwood Run to Bellona Avenue, thence along the center of Bellona Avenue to North Charles Street.

(c) The district also includes the following parts of Anne Arundel County:

- 19;
- (1) Election district 1, precincts 1, 2, 4 through 8, 10 through 12, 14, and 19;
 - (2) Election district 2, precinct 1;
 - (3) Election district 4, precincts 7 and 10;
 - (4) That part of election district 1, precinct 13 that is generally west of a line that runs along the center of West Arundel Road from Belle Grove Road to Levin Road, thence along the center of Levin Road to West Edgevale Road, thence along the center of West Edgevale Road to Belle Grove Road; and

(5) That part of election district 4, precinct 5 that is generally east and north of a line that runs along the center of Midway Branch from Jessup Road to the Fort Meade property line, thence along the center of the Fort Meade property line to Annapolis Junction Road, thence along the center of Annapolis Junction Road to the Fort Meade property line, thence along the center of the Fort Meade property line to the railroad tracks, thence along the center of the railroad tracks to Odenton Road.

(d) The district also includes the following parts of Howard County:

- (1) Election district 1, precincts 1 through 4 and 6;
- (2) Election district 5, precincts 2, 3, 4, 8, 9, 12, and 14 through 17;
- (3) Election district 6, precincts 4, 5, 6, 8 through 14, 16 through 23, and 26; and
- (4) That part of election district 1, precinct 5 that is south of a line that runs along the center of the power transmission line from Waterloo Road to Deep Run, thence along the center of Deep Run to Old Montgomery Road.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-704.

No changes are made.

8-705.

(a) The fourth congressional district consists of the following parts of Prince George's County:

- (1) Election districts 2, 6, 12, 13, and 18 in their entirety;
- (2) Election district 3, precinct 3;
- (3) Election district 5, precincts 2 through 6;
- (4) Election district 7, precinct 9;
- (5) Election district 9, precincts 3 and 5;

- (6) Election district 15, precinct 2;
- (7) Election district 17, precincts 1 through 10 and 12 through 15;
- (8) Election district 19, precinct 5;
- (9) Election district 20, precincts 3 through 5 and 8; and

(10) That part of election district 20, precinct 9 that is south of a line that runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road, thence along the center of Seabrook Road to Dubarry Road, thence along the center of Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence along the center of Greenwood Lane to Annapolis Road.

(b) The district also includes the following parts of Montgomery County:

- (1) Election district 5, precincts 1 through 14, 16, and 17;
- (2) Election district 13, precincts 4 through 10, 12 through 16, 18, 21 through 23, 41, 47, 49, 50, 55, 56, and 64; and

(3) That part of election district 13, precinct 48 that is east of a line that runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern boundary of the precinct, to the proposed outer beltway, the southern boundary of the precinct; and that part of election district 13, precinct 48 that is west of a line that runs south from Bel Pre Road, the northern boundary of the precinct, along the center of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west along the center of Beaverwood Lane to its junction with Birchtree Lane; thence southwest along the center of Birchtree Lane to its junction with Beret Lane; thence southwest and northwest at the first junction along the center of Beret Lane to its junction with Bustleton Lane and Beret Lane; thence southwest along the center of Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey Branch; thence southwest along the center of Turkey Branch to its intersection with Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-705.

No changes are made.

8-706.

(a) The fifth congressional district consists of the following counties in their entirety:

- (1) Calvert County;
- (2) Charles County; and
- (3) St. Mary's County.

(b) The district also includes the following parts of Prince George's County:

- (1) Election districts 1, 4, 8, 10, 11, 14, 16, and 21 in their entirety;
- (2) Election district 3, precincts 1 and 2;
- (3) Election district 5, precinct 1;
- (4) Election district 7, precincts 1 through 8;
- (5) Election district 9, precincts 1, 2, 4, and 6 through 9;
- (6) Election district 15, precincts 1 and 3;
- (7) Election district 17, precinct 11;
- (8) Election district 19, precincts 1 through 4;
- (9) Election district 20, precincts 1, 2, 6, and 7; and

(10) That part of election district 20, precinct 9 that is north of a line that runs along the center of Lanham Severn Road from 96th Avenue to Seabrook Road, thence along the center of Seabrook Road to Dubarry Road, thence along the center of Dubarry Road to Crestview Drive, thence along the center of Crestview Drive to Worrel Avenue, thence along the center of Worrel Avenue to Greenwood Lane, thence along the center of Greenwood Lane to Annapolis Road.

(c) The district also includes the following parts of Anne Arundel County:

- (1) Election district 4, precincts 1, 8, 9, and 11;
- (2) Election district 7, precincts 1 through 17 and 19;

(3) That part of election district 4, precinct 2 that is generally east of a line that runs along the center of Damascus Street from Monterey Avenue to Telegraph Road, thence along the center of Telegraph Road to Gill Street, thence along the center of Gill Street to Monterey Avenue; and

(4) That part of election district 4, precinct 5 that is generally west and south of a line that runs along the center of Midway Branch from Jessup Road to the Fort Meade property line, thence along the center of the Fort Meade property line to Annapolis Junction Road, thence along the center of Annapolis Junction Road to the Fort Meade property line, thence along the center of the Fort Meade property line to the railroad tracks, thence along the center of the railroad tracks to Odenton Road.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-706.

No changes are made.

8-707.

(a) The sixth congressional district consists of the following counties in their entirety:

- (1) Allegany County;
- (2) Carroll County;
- (3) Frederick County;
- (4) Garrett County; and
- (5) Washington County.

(b) The district also consists of the following parts of Howard County:

- (1) Election districts 2, 3, and 4 in their entirety;
- (2) Election district 5, precincts 1, 5, 6, 7, 10, 11, and 13;
- (3) Election district 6, precincts 1, 2, 3, 7, 15, 24, and 25; and

(4) That part of election district 1, precinct 5 that is north of a line that runs along the center of the power transmission line from Waterloo Road to Deep Run, thence along the center of Deep Run to Old Montgomery Road.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-707.

No changes are made.

8-708.

(a) The seventh congressional district consists of the following parts of Baltimore City:

- (1) Wards 5, 7, 9 through 12, and 14 through 20 in their entirety;
- (2) Ward 3, precinct 2;
- (3) Ward 4, precincts 2 and 3;
- (4) Ward 6, precincts 1 through 4;
- (5) Ward 8, precincts 3 through 13;
- (6) Ward 13, precincts 1, 6 through 22, and 25;
- (7) Ward 25, precincts 1 and 2;
- (8) Ward 26, precincts 25 through 31, 36 through 38, and 46;

(9) Ward 27, precincts 30, 32, 37 through 58, 63 through 66, and 92 through 101;

(10) Ward 28, precincts 2 through 20; and

(11) That part of ward 3, precinct 1 that is north of a line that runs along the center of North Eden Street from East Fayette Street to East Fairmont Avenue, thence along the center of East Fairmont Avenue to South Spring Street, thence along the center of South Spring Street to East Baltimore Street, thence along the center of East Baltimore Street to South Dallas Street, thence along the center of South Dallas Street to East Fayette Street.

(b) The district also includes the following parts of Baltimore County:

(1) Election district 1 in its entirety;

(2) Election district 2, precincts 1 through 7, 10, 11, 12, 17, 18, and 19;

(3) Election district 3, precinct 1; and

(4) Election district 4, precinct 3.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-708.

No changes are made.

8-709.

The eighth congressional district consists of the following parts of Montgomery County:

(1) Election districts 1 through 4, 6, and 7 through 12 in their entirety;

(2) Election district 5, precincts 15, 18, 19, and 20;

(3) Election district 13, precincts 1, 2, 3, 11, 17, 19, 20, 24 through 40, 42 through 46, 51 through 54, 57 through 60, 62, and 63; and

(4) That part of election district 13, precinct 48 that is west of a line that runs south along the center of Rippling Brook Drive from Bel Pre Road, the northern boundary of the precinct, to the proposed outer Beltway, the southern boundary of the precinct; and that part of election district 13, precinct 48 that is east of a line that runs south from Bel Pre Road, the northern boundary of the precinct, along the center of Beaverwood Lane to its junction with Beechvue Lane; thence northwest and south along the center of Beechvue Lane to its junction with Beaverwood Lane; thence west along the center of Beaverwood Lane to its junction with Birchtree Lane; thence southwest along the center of Birchtree Lane to its junction with Beret Lane; thence southwest and northwest at the first junction along the center of Beret Lane to its junction with Bustleton Lane and Beret Lane; thence southwest along the center of Beret Lane to its junction with an unnamed blacktop line of prolongation to Turkey

Branch; thence southwest along the center of Turkey Branch to its intersection with Georgia Avenue (Md. Route 97), the southwestern boundary of the precinct.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-709.

No changes are made.

8-710.

(a) (1) Except as provided in paragraph (2) of this subsection, if there is a vacancy in the office of representative in [Congress] CONGRESS, the Governor shall issue a proclamation, within 10 days after the date that the vacancy occurs or becomes known to the Governor, declaring that a special primary election and a special general election shall be held to fill the vacancy.

(2) If the vacancy occurs during the period beginning 60 days before the regular primary election and ending on the last day of the term, the Governor may:

- (i) Decline to issue a proclamation; and
- (ii) Allow the office to remain vacant for the remainder of the term.

(b) (1) The Governor's proclamation shall specify the dates of the special primary election and the special general election.

(2) The special primary election shall be held on a Tuesday that is at least 36 days after the date of the proclamation.

(3) The special general election shall be held on a Tuesday that is at least 36 days after the date of the special primary election.

(c) (1) The Governor shall:

- (i) Immediately give public notice of the proclamation; and
- (ii) Deliver the proclamation to the State Administrator [of the

State Board].

(2) The State Administrator [of the State Board] shall:

(i) Immediately notify the State Board members and the local boards of the counties that comprise the congressional district; and

(ii) Forward to each of those local boards a copy of the proclamation.

(d) (1) Notwithstanding any other provision of this section, if the vacancy occurs or becomes known to the Governor during the period beginning 120 days before the regular primary election for representatives in Congress and ending 40 days before the primary election, the Governor's proclamation shall order that:

(i) The special primary election shall be merged with the regular primary election;

(ii) Any individual who files a certificate of candidacy for the regular primary election shall be deemed to have filed a certificate of candidacy for the special primary election; and

(iii) Any other qualified individual may file a certificate of candidacy, for both the special primary election and the regular primary election, not later than 9 p.m. on the day that is 2 days after the issuance of the proclamation.

(2) A vote cast for a candidate in the merged primary election shall be deemed a vote for that candidate in both the special primary election and the regular primary election.

(3) Two certificates of nomination, one for the special primary election and one for the regular primary election, shall be issued to each candidate nominated in the merged primary election.

(4) Notwithstanding any provision of this article:

(i) A nominee for the special primary election may decline the nomination by notifying the State Board not later than 5 p.m. on the Wednesday following the primary election;

(ii) The appropriate political party shall fill the vacancy in nomination not later than 5 p.m. on the Thursday following the primary election; and

(iii) A petition for recount and canvass of the special primary election shall be filed not later than 5 p.m. on the Wednesday following the primary election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-710.

In subsection (c)(1)(ii) and (2) of this section, the former references to "of the State Board" are deleted as incorrect and inconsistent with a defined term.

The only other changes are in style.

Defined terms: "Election" § 1-101

"Political party" § 1-101

"State Administrator" § 1-101

"State Board" § 1-101

8-711.

(a) At least 20 days before the special primary election, the State Board shall certify to the appropriate local boards the name, residence, and party affiliation of each candidate who qualifies to appear on the primary election ballot.

(b) At least 20 days before the special general election, the State Board shall certify to the appropriate local boards the name, residence, and party affiliation of each nominee who qualifies to appear on the general election ballot.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-711.

No changes are made.

Subtitle 8. Boards of Education.

8-801.

Except as otherwise provided in this subtitle and in Title 3 of the Education Article, the provisions of this article relating to the nomination and election of candidates to public office shall govern the nomination and election of members to an elected county board of education.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-801.

No changes are made.

8-802.

(a) (1) (i) Members of boards of education shall be elected on a nonpartisan basis.

(ii) In a primary election to nominate board of education candidates, any registered voter of the county, regardless of party affiliation or lack of party affiliation, is eligible to vote in those contests for nomination.

(2) Candidates for election to boards of education shall, without party designation or regard to party affiliation:

- (i) File certificates of candidacy;
- (ii) Be certified to the ballot;
- (iii) Appear on the ballot;
- (iv) Be voted on; and
- (v) Be nominated and elected.

(b) This section does not apply to candidates for nomination or election to a board of education if Title 3 of the Education Article requires a partisan election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-802.

No changes are made.

8-803.

(a) Before certifying the name of a board of education candidate to appear on the ballot, the local board shall determine whether the candidate qualifies as provided under Title 3 of the Education Article and Title 5 of this article.

(b) An individual may not qualify as a board of education candidate or nominee by filing a petition.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-803.

No changes are made.

8-804.

(a) In each year that one or more members of a board of education are to be elected, candidates shall be nominated at the primary election.

(b) (1) If a candidate dies or becomes disqualified before the ballots are printed, or at a time when the ballots can be reprinted, the name of the candidate may not appear on the ballot.

(2) If a candidate dies or becomes disqualified after the ballots are printed and too late for the ballot to be reprinted, any votes cast for that candidate may not be counted.

(c) (1) The candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes in the primary election shall be the nominated candidates.

(2) If two or more candidates each receive the lowest number of votes necessary to qualify for nomination, creating a tie for the last nomination for the office to be filled, each shall be a nominated candidate.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-804.

No changes are made.

8-805.

(a) (1) If, after the primary election but before the general election, a nominee dies, declines the nomination, or becomes disqualified before the ballots are printed or at a time when the ballots can be reprinted, the name of the nominee may not appear on the ballot.

(2) If the number of remaining nominees is less than the number of offices to be filled, a new nominee shall be appointed in the same manner as provided in the Education Article for filling a vacancy on the board of education.

(b) If a nominee dies, declines the nomination, or is disqualified after the ballots are printed and too late for the ballot to be reprinted, and if that nominee

receives sufficient votes to have been elected, the office shall be deemed vacant and shall be filled as if the vacancy had occurred during the term of office.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-805.

No changes are made.

8-806.

(a) In a general election for board of education members, a voter may vote for a number of nominees equal to the number of members to be elected.

(b) (1) The nominees, equal in number to the number of offices to be filled, who receive the largest number of votes in a general election shall be declared elected.

(2) (i) If two or more nominees each receive the lowest number of votes necessary to qualify for election, creating a tie for the last office to be filled, the office shall be considered vacant.

(ii) A vacancy occurring under subparagraph (i) of this paragraph shall be filled:

1. As if the vacancy occurred during the term of office for which the election is being held; and

2. By the selection of one of the nominees who ties in the general election.

REVISOR'S NOTE: This section formerly was Art. 33, § 8-806.

No changes are made.

Title 9. Voting.

Subtitle 1. Voting Systems.

9-101.

(a) The State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting.

(b) The voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting shall be used in all counties.

(c) The State Board shall acquire:

(1) The voting system selected and certified for voting in polling places;
and

- (2) The voting system selected and certified for absentee voting.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-101.

No changes are made.

9-102.

(a) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

(b) The State Board shall periodically review and evaluate alternative voting systems.

(c) The State Board may not certify a voting system unless the State Board determines that:

- (1) The voting system will:

- (i) Protect the secrecy of the ballot;

- (ii) Protect the security of the voting process;

- (iii) Count and record all votes accurately;

- (iv) Accommodate any ballot used under this article;

- (v) Protect all other rights of voters and candidates; and

- (vi) Be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount;

- (2) The voting system has been:

- (i) Examined by an independent testing laboratory that is approved by the National Association of State Election Directors; and

- (ii) Shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission; and

- (3) The public interest will be served by the certification of the voting system.

(d) In determining whether a voting system meets the required standards, the State Board shall consider:

- (1) The commercial availability of the system and its replacement parts and components;

- (2) The availability of continuing service for the system;

- (3) The cost of implementing the system;
 - (4) The efficiency of the system;
 - (5) The likelihood [of breakdown] THAT THE SYSTEM WILL MALFUNCTION;
 - (6) The system's ease of understanding for the voter;
 - (7) The convenience of voting afforded by the system;
 - (8) The timeliness of the tabulation and reporting of election returns;
 - (9) The potential for an alternative means of verifying the tabulation;
 - (10) Accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and
 - (11) Any other factor that the State Board considers relevant.
- (e) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9-101 of this subtitle.
- (2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:
- (i) A description of the voting system;
 - (ii) A public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;
 - (iii) Local election officials' responsibility for management of the system;
 - (iv) The actions required to assure the security of the voting system;
 - (v) The supplies and equipment required;
 - (vi) The storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;
 - (vii) Standards for training election officials in the operation and use of the voting system;
 - (viii) Before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) The number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) The practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) Assuring ballot accountability in systems using a document ballot;

(xii) The actions required to tabulate votes; and

(xiii) Postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-102.

In subsection (d)(5) of this section, the reference to a "malfunction" of the "system" is substituted for the former reference to "breakdown" for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Document ballot" § 1-101

"Local board" § 1-101

"Political party" § 1-101

"State Board" § 1-101

"Voting system" § 1-101

9-103.

(a) The State Board:

(1) May decertify a voting system previously certified if the State Board determines that the system no longer merits certification; and

(2) Shall decertify a previously certified voting system if the voting system no longer meets one or more of the standards in § 9-102(c)(1)(i) through (iii) of this subtitle.

(b) The State Board shall determine the effective date and conditions of the decertification.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-103.

No changes are made.

9-104. BORROWING TO PURCHASE VOTING SYSTEM.

(A) DEFINITION.

IN THIS SECTION, "BONDS" MEANS INDIVIDUAL NOTES, BONDS, OR OTHER EVIDENCES OF INDEBTEDNESS.

(B) AUTHORITY TO BORROW MONEY.

A COUNTY MAY ISSUE BONDS TO FINANCE ALL OR PART OF THE COSTS OF A VOTING SYSTEM.

(C) GENERAL OBLIGATION BONDS.

A COUNTY MAY:

(1) ISSUE GENERAL OBLIGATION BONDS TO FINANCE ALL OR PART OF THE COSTS OF A VOTING SYSTEM WITHOUT REGARD TO ANY CONSTITUTIONAL, STATUTORY, CHARTER, OR OTHER LIMITATIONS ON THE BORROWING POWER OF THE COUNTY; AND

(2) PLEDGE ITS FULL FAITH AND CREDIT AND TAXING POWER TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS.

(D) BONDS -- REQUIREMENTS.

(1) THIS SUBSECTION APPLIES TO BONDS ISSUED UNDER THIS SECTION.

(2) THE BONDS OF EACH ISSUE SHALL BE AUTHORIZED BY ORDINANCE OR RESOLUTION OF THE COUNTY GOVERNING BODY.

(3) THE AUTHORIZING ORDINANCE OR RESOLUTION SHALL SPECIFY THAT THE BONDS:

(I) BE DATED;

(II) BEAR INTEREST AT A RATE OR RATES TO BE DETERMINED IN THE MANNER THAT IS SPECIFIED IN THE ORDINANCE OR RESOLUTION; AND

(III) MATURE AT CERTAIN TIMES.

(4) THE AUTHORIZING ORDINANCE OR RESOLUTION MAY MAKE THE BONDS REDEEMABLE BEFORE MATURITY:

(I) AT THE PRICE SET BEFORE BONDS ARE ISSUED; AND

(II) UNDER THE TERMS AND CONDITIONS SET BEFORE BONDS ARE ISSUED.

(5) THE AUTHORIZING ORDINANCE OR RESOLUTION SHALL:

(I) CITE THE AUTHORITY FOR THE ISSUANCE OF THE BONDS AND THE AMOUNT AUTHORIZED;

(II) DETERMINE THE FORM OF THE BONDS;

(III) FIX THE DENOMINATION OF THE BONDS; AND

(IV) FIX THE PLACE WHERE PRINCIPAL AND INTEREST MAY BE PAID, WHICH MAY INCLUDE A BANK OR TRUST COMPANY INSIDE OR OUTSIDE THE STATE.

(6) THE BONDS SHALL BE SIGNED, MANUALLY OR BY FACSIMILE, BY AN OFFICER OF THE ISSUING COUNTY, AND THE SEAL OF THE COUNTY OR FACSIMILE THEREOF SHALL BE AFFIXED TO THE BONDS AND ATTESTED TO IN THE MANNER THAT THE GOVERNING BODY DETERMINES.

(7) THE SIGNATURE OF AN OFFICER OF THE COUNTY OR ITS FACSIMILE THAT APPEARS ON A BOND IS VALID EVEN IF THAT OFFICER CEASES TO HOLD OFFICE BEFORE THE BONDS ARE DELIVERED OR TAKES OFFICE AFTER THE DATE OF ISSUANCE OF THE BONDS.

(8) THE BONDS SHALL HAVE ALL THE QUALITIES AND INCIDENTS OF NEGOTIABLE INSTRUMENTS UNDER THE MARYLAND UNIFORM COMMERCIAL CODE.

(9) THE BONDS MAY BE ISSUED IN SUCH REGISTERED FORM AS IS SPECIFIED IN THE AUTHORIZING ORDINANCE OR RESOLUTION.

(10) THE BONDS MAY BE SOLD:

(I) AT PUBLIC OR PRIVATE NEGOTIATED SALE AS THE COUNTY DETERMINES TO BE IN ITS BEST INTEREST; AND

(II) AT THE PRICE OR PRICES DETERMINED IN THE MANNER THAT IS SPECIFIED IN THE AUTHORIZING ORDINANCE OR RESOLUTION.

(E) SAME -- USE OF PROCEEDS.

(1) AFTER PAYMENT OF ALL COSTS AND EXPENSES INCURRED IN CONNECTION WITH THE PREPARATION, SALE, AND DELIVERY OF THE BONDS, THE ENTIRE PROCEEDS FROM THE SALE OF BONDS ISSUED UNDER THIS SECTION SHALL BE USED SOLELY FOR THE COSTS OF THE VOTING SYSTEM FOR WHICH THE BONDS WERE ISSUED.

(2) ANY BALANCE REMAINING AFTER THE FUNDING OF COSTS OF THE VOTING SYSTEM SHALL BE USED TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON, OR THE REDEMPTION OF, THE BONDS.

(F) GENERAL OBLIGATION BONDS -- REPAYMENT.

(1) (I) IN EACH FISCAL YEAR IN WHICH GENERAL OBLIGATION BONDS ISSUED UNDER THIS SECTION ARE OUTSTANDING, THE COUNTY SHALL LEVY OR

CAUSE TO BE LEVIED AD VALOREM TAXES, ON ALL OF THE ASSESSABLE PROPERTY WITHIN THE COUNTY, AT A RATE OR IN AN AMOUNT SUFFICIENT TO PROVIDE FOR OR ASSURE THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN AND AS THEY BECOME DUE AND PAYABLE.

(II) IF THE PROCEEDS OF TAXES LEVIED IN ANY FISCAL YEAR PROVE INADEQUATE FOR THE PAYMENT, THE COUNTY SHALL LEVY OR CAUSE TO BE LEVIED ADDITIONAL TAXES IN THE SUBSEQUENT FISCAL YEAR TO MAKE UP ANY DEFICIENCY.

(2) THE PROCEEDS OF A LEVY UNDER THIS SUBSECTION SHALL BE USED ONLY TO PAY PRINCIPAL OF AND INTEREST ON OUTSTANDING BONDS ISSUED UNDER THIS SECTION.

(G) TAX-EXEMPT STATUS.

A BOND ISSUED UNDER THIS SECTION, ITS TRANSFER, THE INTEREST PAYABLE ON IT, AND THE INCOME FROM IT, INCLUDING ANY PROFIT REALIZED IN THE SALE OR EXCHANGE OF IT, SHALL AT ALL TIMES BE AND REMAIN EXEMPT FROM TAXATION OF ANY KIND AND NATURE BY:

(1) THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE; OR

(2) A UNIT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(H) APPLICATION OF OTHER CODE PROVISIONS.

ARTICLE 31, §§ 9 THROUGH 11 OF THE CODE DO NOT APPLY TO BONDS ISSUED UNDER THIS SECTION.

REVISOR'S NOTE: Subsections (a), (b), (c)(1) and (d) through (h) of this section are new language derived without substantive change from former Art. 33, § 9-104.

Subsection (c)(2) of this section is new language added for clarity and consistency with similar provisions recently enacted by the General Assembly.

This section generally is revised to modernize, clarify, and conform the language of former Art. 33, § 9-104 to the general bond provisions under State law.

In subsection (c)(1) of this section, the phrase referring to the authority of a county to issue "bonds to finance all or part of the costs of" a voting system is substituted for the former phrase "borrow money to fund the purchase" for clarity, consistency with modern terminology, and to avoid ambiguity, since the former phrase may have implied that the issuance of the bonds must antedate the acquisition of the voting system. In fact,

many counties schedule bond sales without regard to the activities of the county purchasing department.

In subsections (a), (b), and (c) of this section, the former reference to "governing body" is deleted as surplusage.

In subsection (c)(1) of this section, the phrase "constitutional, statutory, charter, or other" limitations is added for clarity.

In subsection (d) of this section, the former provisions relating to "coupon" bonds are deleted since the federal law requiring the registration of tax-exempt bonds has eliminated coupon bonds. *See* § 149(a) of the Internal Revenue Code of 1986, as amended.

Also in subsection (d) of this section, the references to an "ordinance or resolution" are added for clarity.

In subsection (d)(4)(i), (5)(iii) and (iv), and (6) of this section, the former references to "prices", "denominations", "places", and "officers", respectively, are deleted in light of Art. 1, § 8, which states that the singular includes the plural and vice versa.

In subsection (d)(7) of this section, the former statement that the signature or facsimile of a signature of an authorized officer who ceases to hold office is "sufficient for all purposes" with regard to the integrity of the bonds is deleted in light of the statement that the signature or facsimile of the officer's signature remains "valid" even if the officer later ceases to hold office.

Also in subsection (d)(7) of this section, the phrase "or takes office after the date of issuance of the bonds" is added for clarity and completeness.

In subsection (e)(2) of this section, the reference to "payment of the principal" is added for clarity and completeness.

Also in subsection (e)(2) of this section, the reference to "funding" costs of a system is substituted for the former reference to "purchase" of a system for clarity.

Subsection (f) of this section revises the provisions under former Art. 33, § 9-104(b)(4) governing the levying of taxes to pay the principal of and interest on bonds to conform to provisions in other parts of State law and public local laws. As revised, this subsection spells out the process with some particularity, and in a manner consistent with other county general bonds, so that voting system bonds are not burdened with a cloud on the security of the bonds.

In subsection (g) of this section, the reference to "or other political subdivision of the State" is added for clarity. Similarly, in subsection (g)(2) of this section, the reference to a "unit" is added.

Defined terms: "County" § 1-101

"Voting system" § 1-101

9-105.

(a) Acquisition of a voting system shall be by purchase, lease, or rental and shall be exempt from State, county, or municipal taxation.

(b) (1) A local board may lease a voting system to any governmental or nongovernmental entity within the county.

(2) The local board shall determine the terms and conditions of the lease.

(3) The local board shall pay to the governing body of the county, within 30 days of receipt, the proceeds of the lease.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-105.

No changes are made.

9-106.

(a) Except as provided in subsection (d) of this section, on or after January 1, 2002, a county may not use mechanical lever voting machines to conduct elections.

(b) Until January 1, 2002, if a county uses mechanical lever voting machines to conduct elections, the members of the local board:

(1) Shall appoint a voting machine custodian and a deputy custodian;
and

(2) May employ additional deputy custodians.

(c) The voting machine custodian and deputy custodians shall have the duties, and complete any training program, specified in regulations adopted by the State Board.

(d) The provisions of this section do not apply in a county until:

(1) A uniform statewide voting system for voting in polling places is selected and certified by the State Board under the provisions of § 9-101 of this subtitle; and

(2) The voting system is available for use by the voters in the county.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-106.

No changes are made.

Subtitle 2. Ballots.

9-201.

- (a) In any election conducted under this article:
 - (1) All voting shall be by ballot; and
 - (2) Only votes cast on a ballot may be counted.
- (b) All ballots shall comply with the provisions of this subtitle.
- (c) A ballot may not be used for any purpose not authorized by this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-201.

No changes are made.

9-202.

- (a) The State Board shall certify the content and the arrangement of each ballot to be used in an election that is subject to this article.
- (b) Each local board shall place questions, candidates, and other material on the ballot in that county in accordance with the content and arrangement prescribed by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-202.

No changes are made.

9-203.

Each ballot shall:

- (1) Be easily understandable by voters;
- (2) Present all candidates and questions in a fair and nondiscriminatory manner;
- (3) Permit the voter to easily record a vote on questions and on the voter's choices among candidates;
- (4) Protect the secrecy of each voter's choices; and
- (5) Facilitate the accurate tabulation of the choices of the voters.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-203.

No changes are made.

9-204.

(a) Subject to the other provisions of this subtitle and to different presentations required or made desirable by different voting systems, all ballots used in an election shall be as uniform as possible.

(b) Except as otherwise specifically provided in this title, or unless a provision is clearly inappropriate to absentee ballots, the provisions of this subtitle relating to ballot content and arrangement shall apply to the arrangement of absentee ballots.

(c) If applicable for the voting system in use, the appropriate components of the voting system shall be configured for a primary election to permit the voter to vote only for the candidates for which the voter is entitled to vote.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-204.

No changes are made.

9-205.

Each ballot shall contain:

- (1) A heading as provided in § 9-206(a) of this subtitle;
- (2) A statement of each question that has met all of the qualifications to appear on the ballot;
- (3) The title of each office to be voted on;
- (4) The name, as specified in the certificate of candidacy, or as otherwise provided in Title 5 of this article, of each candidate who has been certified by the State Board;
- (5) A party designation for certain candidates as provided in this subtitle;
- (6) A means by which a voter may cast write-in votes, as provided in this subtitle; and
- (7) Instructions to voters as provided in this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-205.

No changes are made.

9-206.

(a) Except as provided in paragraph (2) of this subsection, a heading shall be printed at the top of the ballot and shall contain, in the following order:

- (1) The words "Official Ballot";

- (2) The type of election, i.e., regular or special, primary or general, and any other information required to identify the election being held;
- (3) The date of the election;
- (4) The words "State of Maryland" and the name of the county;
- (5) In a primary election, the name of the political party or the words "nonpartisan ballot", as applicable, for which the ballot or a portion of the ballot is to be used; and
- (6) If more than one ballot style will be used in the county in the election, the ballot style indicator.

(b) The provisions of subsection (a) of this section do not apply to a voting machine ballot if the State Board determines there is insufficient space.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-206.

No changes are made.

9-207.

- (a) The State Board shall certify the content and arrangement of each ballot:
 - (1) For a primary election, at least 50 days before the election;
 - (2) For a general election:
 - (i) In the year that the President of the United States is elected, at least 55 days before the election; and
 - (ii) In any other year, not more than 18 days after the primary election;
 - (3) For a special primary election, at least 18 days before the election; and
 - (4) For a special general election, not later than a date specified in the Governor's proclamation.
- (b) The Court of Appeals, on petition of the State Board, may establish a later date in extraordinary circumstances.
- (c) Within 48 hours after certification, the State Board shall deliver to each local board a copy of the certified ballot content and arrangement for that county.
- (d) (1) Within 5 days after the certification, or a later date that the Court of Appeals establishes in extraordinary circumstances on petition of the State Board, a local board shall:

(i) Prepare the arrangement for all ballots to be used in the county, using the arrangement prescribed by the State Board; and

(ii) Display the content and arrangement, in a manner that is accessible to the public, on all days that the office is open through the day of the election.

(2) Except pursuant to a court order under § 9-209 of this subtitle, or as provided in § 9-208 of this subtitle, the content and arrangement of the ballot may not be modified after the third day of the public display.

(e) Unless a delay is required by court order, a local board may begin to print the ballots after 3 days of public display and, with the approval of the State Board, correction of any noted errors.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-207.

No changes are made.

9-208.

(a) If an error or a change in circumstances requires a local board to make a change in a ballot after the ballots have been printed, with the approval of the State Board the local board shall act as provided in this section.

(b) (1) If there is sufficient time, the local board shall reprint the ballot.

(2) If there is insufficient time for reprinting the ballot and if the voting system can accommodate it, the local board shall print a sufficient number of stickers incorporating the change or correction. The stickers shall be consistent with the printed ballots and be affixed to the ballots in the appropriate places.

(3) If there is insufficient time for reprinting the ballots and if the voting system cannot accommodate stickers, the local board shall notify the voters of the change or correction in accordance with regulations adopted by the State Board.

(c) After any change or correction on a ballot, the local board shall immediately take all reasonable steps to notify all candidates on the ballot and any other persons whom the local board considers appropriate.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-208.

No changes are made.

9-209.

(a) Within 3 days after the content and arrangement of the ballot are placed on public display under § 9-207 of this subtitle, a registered voter may seek judicial review of the content and arrangement, or to correct any other error, by filing a sworn petition with the circuit court for the county.

- (b) The circuit court may require the local board to:
- (1) Correct an error;
 - (2) Show cause why an error should not be corrected; or
 - (3) Take any other action required to provide appropriate relief.

(c) If an error is discovered after the ballots have been printed, and the local board fails to correct the error, a registered voter may seek judicial review not later than the second Monday preceding the election.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-209.

No changes are made.

9-210.

(a) The offices to be voted on shall be arranged on the ballot in the following order, as applicable:

- (1) Public offices for which voters of the entire State may vote, in the following order:
 - (i) President of the United States, or President and Vice President of the United States;
 - (ii) Governor and Lieutenant Governor;
 - (iii) Comptroller;
 - (iv) Attorney General; and
 - (v) United States Senator;
- (2) Representative in Congress;
- (3) Members of the General Assembly of Maryland, in the following order:
 - (i) Senate of Maryland; and
 - (ii) House of Delegates;
- (4) Members of the governing body of a county, in the following order:
 - (i) County executive; and
 - (ii) County council or county commissioner;
- (5) Offices in the government of the City of Baltimore, in the following order:

- (i) Mayor;
 - (ii) President of the City Council;
 - (iii) Comptroller; and
 - (iv) Member of the City Council;
- (6) Judicial offices, in the following order:
- (i) Judge of the circuit court;
 - (ii) Appellate judges, continuance in office, in the following order:
 - 1. Court of Appeals; and
 - 2. Court of Special Appeals;
- (7) Public offices for which the voters of a county may vote, in the following order:
- (i) County treasurer;
 - (ii) State's Attorney;
 - (iii) Clerk of the circuit court;
 - (iv) Register of wills;
 - (v) Judge of the orphans' court;
 - (vi) Sheriff; and
 - (vii) Other offices filled by partisan election;
- (8) Party offices; and
- (9) Offices filled by nonpartisan election.
- (b) Any office not specified in subsection (a) of this section shall be placed on the ballot following the offices specified in subsection (a).
- (c) Within any category of offices, if the ballot contains one or more contests for at large election and one or more contests for election by district, the contest or contests to be voted on at large shall appear first.
- (d) In a prominent position adjacent to the title of each office, there shall be instructions stating the number of candidates for whom the voter lawfully may vote.
- (e) (1) A ballot shall contain the name of every candidate who is authorized under the provisions of this article to appear on the ballot.

(2) Each candidate shall be listed on the ballot in the contest for which the candidate has qualified.

(f) (1) In a general election, the voter shall be afforded the opportunity to cast a write-in vote for as many positions as are to be filled in a contest.

(2) On a document ballot, in each contest a blank line or lines for write-in voting shall follow the printed names on the ballot.

(3) This subsection does not apply to questions or the continuance in office of appellate judges.

(g) (1) Except for contests for judicial office or an office to be filled by nonpartisan election, the party affiliation of a candidate who is a nominee of a political party shall be indicated on the ballot.

(2) (i) A candidate who is not a nominee of a political party or affiliated with a partisan organization shall be designated as an "unaffiliated".

(ii) A candidate who is affiliated with a partisan organization shall be designated under "other candidates".

(3) The names of candidates for judge of the circuit court or for a county board of education, and the names of incumbent appellate judges, shall be placed on the ballot without a party label or other distinguishing mark or location which might indicate party affiliation.

(h) (1) In an election of a member of the House of Delegates that is subject to the provisions of § 2-201(d) of the State Government Article, the name of a candidate shall be identified by the county in which the candidate resides.

(2) A candidate for President of the United States or Vice President of the United States shall be identified by the state in which the candidate resides.

(i) (1) If there is an election for members of the House of Delegates who are required to live in a specific county and only a certain number of delegates may be elected from that county, the ballot shall provide that a voter may not vote for more than that number of candidates from that specific county.

(2) In a legislative district where the delegates are to be elected by the voters of a multimember subdistrict that contains more than two counties or parts of more than two counties, a voter may cast a vote for the specified number of delegates to be elected in the subdistrict without regard to the county of residence of the candidate.

(j) (1) In a primary election:

(i) On a voting machine ballot, the names of the candidates for party nomination shall be grouped together by party; and

(ii) On a document ballot, the ballot shall include only the names of candidates for which the voter is entitled to vote.

(2) In a general election:

(i) On a voting machine ballot, the names of the candidates of a political party shall be grouped together in adjacent rows or columns, and the majority party candidates shall be placed in the first row or column, followed by the candidates of the principal minority party, followed by other political parties in descending order based on the number of voters registered with the party, and finally by candidates not nominees of a political party; and

(ii) On a document ballot, for each office the names of candidates shall be grouped together by party, with the majority party candidate or candidates listed first, followed by the candidate or candidates of the principal minority party, followed by the candidate or candidates of other political parties in descending order based on the statewide registration of the party, and finally by candidates who are not nominees of a political party.

(3) In both primary elections and general elections, when there is more than one candidate of the same political party for nomination or election to an office, the names of the candidates in the group shall be listed in alphabetical order by surname. In the primary election, candidates for Governor and Lieutenant Governor shall be arranged in the order of surnames of the gubernatorial candidates.

(k) On a voting machine ballot, the arrangement shall use the smallest number of rows or columns necessary, as evenly sized as possible, to accommodate all offices and candidates on the ballot.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-210.

No changes are made.

9-211.

(a) Questions to be voted upon shall be placed on the ballot in the following order:

- (1) Those relating to the creation or adoption of a new State Constitution;
 - (2) Those proposing amendments to the Maryland Constitution;
 - (3) Those relating to other enactments of the General Assembly;
 - (4) Those relating to the creation or adoption of, or the amendment or other change in, the charter of a county;
 - (5) Those relating to other enactments by the governing body of a county;
- and

(6) Other questions.

(b) The numbering of questions on a ballot shall be as provided in Title 7 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-211.

No changes are made.

9-212.

If applicable to the voting system and the requirements of the election, instructions shall be printed on each ballot stating that additional candidates or questions appear on the reverse side of the ballot face or on other ballot faces.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-212.

No changes are made.

9-213.

The content of both an absentee ballot and a provisional ballot issued to a voter shall be identical to the ballot used in the polling place of the voter's residence.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-213.

No changes are made.

9-214.

Each local board shall provide specimen ballots, so labeled, for all ballots to be used in each election:

(1) For mailing to registered voters under Title 8 of this article, if mailing of specimen ballots is chosen or required in the county; and

(2) For other informational purposes in accordance with the provisions of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-214.

No changes are made.

9-215.

(a) Each ballot shall be printed:

(1) In plain, clear type in black ink;

(2) On material of the size and arrangement that is required to fit the needs of the voting system; and

(3) (i) In a general election, on clear white material; or

(ii) In a primary election, on material of a different color for voters of each political party and for voters not affiliated with a political party that nominates its candidates by primary election.

(b) Each local board shall arrange to have printed a supply of ballots that is at least the number that is the product of:

(1) The percentage of voters in the county who voted in the election that was 4 years prior, plus 10%; multiplied by

(2) The current number of registered voters in the county.

(c) The regulations adopted by the State Board for the use of each voting system shall provide standards for the printing of ballots, which assure that:

(1) The ballots will be printed and received in a timely fashion;

(2) The ballots will be suitable for use in the election;

(3) The ballots are clear and legible; and

(4) The printing and paper stock employed are durable.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-215.

No changes are made.

9-216.

(a) Consistent with the regulations adopted by the State Board for the voting system or systems used in the county, and subject to the approval of the State Board, each local board shall establish and maintain a system to account for, and maintain control over, the ballots from the beginning of production through postelection storage and disposition.

(b) The State Board shall monitor and periodically review the performance of the local boards in their compliance with subsection (a) of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-216.

No changes are made.

9-217.

(a) A person may not use, distribute, possess, print, or reproduce a ballot other than as authorized in this article.

(b) A person who violates the provisions of subsection (a) of this section shall be subject to the penalties provided in Title 16 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-217.

No changes are made.

Subtitle 3. Absentee Voting.

9-301.

- (a) This subtitle applies to every election governed by this article.
- (b) The State Board shall prescribe all forms required to comply with:
 - (1) This subtitle; and
 - (2) Any requirements of relevant federal law.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-301.

No changes are made.

9-302.

Each local board shall maintain a full record of absentee voting in the county, including, for each absentee voter:

- (1) The date and time of the board's receipt of an application for an absentee ballot;
- (2) The action taken with regard to the application;
- (3) The appropriate ballot style;
- (4) The date of issuance of a ballot;
- (5) If mailed, the address to which the ballot is sent;
- (6) The date and time of the receipt of a voted absentee ballot; and
- (7) Any other information specified by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-302.

No changes are made.

9-303.

- (a) The State Board shall establish guidelines for the administration of absentee voting by the local boards.
- (b) The guidelines shall provide for:
 - (1) The application process;

- (2) Late application for absentee ballots;
 - (3) Ballot security, including storage of returned ballots;
 - (4) Determining timeliness of receipt of applications and ballots, including applications and ballots for overseas voters;
 - (5) The canvass process;
 - (6) Notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
 - (7) Observers of the process;
 - (8) Review of voted ballots and envelopes for compliance with the law and for machine tabulation acceptability;
 - (9) Standards for disallowance of ballots during the canvass; and
 - (10) Storage and retention of ballots following canvass and certification.
- (c) The State Board shall:
- (1) In consultation with the local boards, assess the guidelines before each primary election; and
 - (2) Revise the guidelines if indicated.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-303.

No changes are made.

9-304.

- (a) A registered voter may vote by absentee ballot at an election if the voter:
- (1) May be absent on election day from the county in which the voter is registered;
 - (2) Because of accident, illness, or physical disability, will be unable to go to the polling place on election day;
 - (3) Because of confinement in or restriction to an institution, will be prevented from going to the polling place on election day;
 - (4) Because of a death or serious illness in the voter's immediate family, will be unable to go to the polling place on election day;
 - (5) Is a full-time student at an institution of higher education located outside the voter's precinct but within the county of registration, and academic requirements prevent the voter from going to the polling place on election day; or

(6) Because of employment by or service as an official of the State Board or a local board, is required to be absent from the precinct in which the voter is registered to vote on election day.

(b) An individual may vote by absentee ballot if authorized under an applicable federal law.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-304.

No changes are made.

9-305.

(a) An application for an absentee ballot, signed by the voter, may be made:

(1) On a form produced by the local board and supplied to the voter on request;

(2) On a form provided under federal law; or

(3) In a written request that includes:

(i) The voter's name and residence address;

(ii) The address to which the ballot is to be mailed, if different from the residence address; and

(iii) The reason, as authorized in § 9-304 of this subtitle, for absentee voting.

(b) Except for a late application under subsection (c) of this section, an application for an absentee ballot must be received by a local board not later than the Tuesday preceding the election, at the time specified in the guidelines.

(c) (1) Beginning on the Wednesday preceding the election, through the closing of the polls on election day, a registered voter or the voter's duly authorized agent may apply in person for an absentee ballot at the office of the local board if the voter is qualified for absentee voting under § 9-304 of this subtitle or § 10-102 of this article.

(2) A special application for an absentee ballot issued under this subsection shall be supplied by the staff of the local board to the voter or the voter's duly authorized agent.

(3) The application shall be made under penalty of perjury, but without a formal oath, specifying the reason for absentee voting.

(4) After review of the application, if the staff of the local board finds that the voter qualifies for absentee voting, the staff shall issue an absentee ballot to the voter or the voter's duly authorized agent.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-305.

No changes are made.

9-306.

(a) Promptly after receipt of an application, the election director shall review the application and determine whether the applicant qualifies to vote by absentee ballot.

(b) If the applicant qualifies to vote by absentee ballot, the local board shall send the ballot:

(1) As soon as practicable after receipt of the request; or

(2) If the ballots have not been received from the printer, as soon as practicable after the local board receives delivery of the ballots.

(c) (1) If the members of the local board determine that the applicant is not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as practicable after receipt of the application of the reasons for the rejection.

(2) (i) The local board may delegate the determination under paragraph (1) of this subsection to the staff of the local board.

(ii) If the determination has been delegated, the applicant may appeal the rejection to the members of the local board, who shall decide the appeal as expeditiously as practicable.

(d) Not more than one absentee ballot may be issued to a voter unless the election director of the local board has reasonable grounds to believe that an absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-306.

No changes are made.

9-307.

(a) A qualified applicant may designate a duly authorized agent to pick up and deliver an absentee ballot under this subtitle.

(b) An agent of the voter under this section:

(1) Must be at least 18 years old;

(2) May not be a candidate on that ballot;

(3) Shall be designated in a writing signed by the voter under penalty of perjury; and

(4) Shall execute an affidavit under penalty of perjury that the ballot was:

- (i) Delivered to the voter who submitted the application;
- (ii) Marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and
- (iii) Returned to the local board by the agent.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-307.

No changes are made.

9-308.

(a) A voter who requires assistance in casting an absentee ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) A candidate who is on that ballot;
- (2) The voter's employer or an agent of the employer; or
- (3) An officer or agent of the voter's union.

(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-309 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-308.

No changes are made.

9-309.

An absentee ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-309.

No changes are made.

9-310.

(a) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.

- (b) (1) A local board may use either two envelopes or three envelopes.

(2) If two envelopes are used, the inner envelope shall be designated the "ballot/return envelope", and, when issued, it shall fit inside the envelope designated the "outgoing envelope".

(3) If three envelopes are used, the innermost envelope shall be designated the "ballot envelope", which shall fit inside the envelope designated the "return envelope", both of which, when issued, shall fit inside the envelope designated the "outgoing envelope".

(c) When voted and returned to the local board, an absentee ballot shall be enclosed in a ballot envelope or ballot/return envelope, on which has been printed an oath prescribed by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-310.

No changes are made.

9-311.

(a) (1) The members of a local board shall each be entitled to extra compensation, in addition to their regular compensation, for duties actually performed under this subtitle.

(2) Except as provided in paragraph (3) of this subsection, the amount of the extra compensation shall be \$10 per day, or a greater amount set by the governing body of the county.

(3) In Baltimore City, the members of the local board shall receive \$200 per election for duties under this subtitle.

(b) The governing body of a county shall provide to the local board of the county an amount that is reasonable and necessary to pay for expenses, including the employment of temporary personnel, required for performing the duties required under this subtitle.

(c) Payments under this section shall be made by the county governing body in the same manner that other funding is provided to the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-311.

No changes are made.

9-312.

Any person who is convicted of a violation of any of the provisions of this subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than 2 years or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-312.

No changes are made.

Subtitle 4. Provisional Ballots.

9-401.

- (a) This subtitle applies to every election governed by this article.
- (b) The State Board shall prescribe all forms required to comply with:
 - (1) This subtitle; and
 - (2) Any requirements of relevant federal law.
- (c) The budget of the State Board for each fiscal year shall include funding necessary to support any additional personnel costs associated with the implementation of the provisional ballot system required under this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-401.

No changes are made.

9-402.

Each local board shall maintain a full record of provisional ballot voting in the county, including, for each voter who votes using a provisional ballot:

- (1) The action taken with regard to the registration;
- (2) The appropriate ballot style; and
- (3) Any other information specified by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-402.

No changes are made.

9-403.

- (a) The State Board shall establish guidelines for the administration of provisional ballot voting by the local boards.
- (b) The guidelines shall provide for:
 - (1) The temporary certificate registration process;
 - (2) Ballot security, including storage of returned ballots;
 - (3) The canvass process;
 - (4) Notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
 - (5) Observers of the process;

- (6) Review of voted ballots and envelopes for compliance with the law and for machine tabulation acceptability;
 - (7) Standards for disallowance of ballots during the canvass; and
 - (8) Storage and retention of ballots following canvass and certification.
- (c) The State Board shall:
- (1) In consultation with the local boards, assess the guidelines before each primary election; and
 - (2) Revise the guidelines if indicated.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-403.

No changes are made.

9-404.

An individual may vote using a provisional ballot on election day if the individual meets the requirements for a temporary certificate of registration set forth under § 3-601 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-404.

No changes are made.

9-405.

An individual requesting a provisional ballot shall complete and sign a temporary certificate of registration as provided under § 3-601 of this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-405.

No changes are made.

9-406.

(a) A voter who requires assistance in casting a provisional ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

- (1) A candidate who is on that ballot;
- (2) The individual's employer or an agent of the employer; or
- (3) An officer or agent of the individual's union.

(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-408 of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-406.

No changes are made.

9-407.

(a) A provisional ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

(b) When voted, a provisional ballot shall be enclosed in an envelope designated "provisional ballot/return envelope".

REVISOR'S NOTE: This section formerly was Art. 33, § 9-407.

No changes are made.

9-408.

Any person who is convicted of a violation of any of the provisions of this subtitle is subject to a fine of not more than \$1,000 or imprisonment for not more than 2 years or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 9-408.

No changes are made.

Title 10. Polling Places.

Subtitle 1. Polling Place Sites.

10-101.

(a) (1) Each local board shall designate a polling place that meets the requirements of this subsection for each precinct in the county as established by the local board in accordance with Title 2 of this article.

(2) Each polling place shall:

(i) Provide an environment that is suitable to the proper conduct of an election;

(ii) Be located as conveniently as practicable for the majority of registered voters assigned to that polling place;

(iii) Except as authorized in paragraph (4) of this subsection, be in a public building;

(iv) Be in the precinct [which] THAT it serves unless no suitable location for a polling place can be found within that precinct, in which case the board may establish the polling place in an adjacent precinct; and

(v) Whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

(3) (i) The public official responsible for the use of any public building requested by a local board for a polling place shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.

(ii) Light, heat, and custodial and janitorial services for the space shall be provided to the local board without charge.

(4) (i) If suitable space in a public building is not available, a local board may pay a reasonable fee for the use of space in a privately owned building.

(ii) Except as provided in subparagraph (iii) of this paragraph, an election may not be held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license.

(iii) An election may be held in a building that is owned and occupied by an establishment that holds an alcoholic beverages license if:

1. The local board determines that there is no suitable alternative place to hold an election;

2. The licensee agrees not to sell or dispense alcoholic beverages during the period beginning 2 hours before the polls open and ending 2 hours after the polls close; and

3. Where applicable, all ballots are removed from the polling place by the local board immediately following the election.

(5) If a polling place is located in a building owned or leased by a volunteer fire company or rescue squad, the volunteer fire company or rescue squad may require the local board to pay for the use of the space that is needed in the building for the proper conduct of any election.

(b) (1) (i) In Baltimore City, public buildings shall be used for polling places to the greatest extent feasible.

(ii) For rental of privately owned polling places in [Baltimore City] BALTIMORE CITY, the local board shall pay an amount as determined in the ordinance of estimates, provided that the amount is uniform on a citywide basis.

(2) In Charles County, the local board may use private firehouses, private halls, and other buildings for polling places.

(3) In Montgomery County, the County Board of Education shall make available the space and custodial service as needed for the proper conduct of elections upon application by the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-101.

The only changes are in style.

Defined terms: "Elderly" § 1-101

"Election" § 1-101

"Local board" § 1-101

"Precinct" § 1-101

10-102.

(a) If the polling place assigned to an elderly or disabled voter is not structurally barrier free, the voter may request a reassignment by the local board.

(b) (1) To qualify for a reassignment by the local board, the voter shall submit a request in writing to the local board not later than the close of registration for the election.

(2) The request may be made on a form prescribed by the State Board.

(c) On receipt of a request from an elderly or disabled voter under subsection (b) of this section, the local board shall either:

(1) Assign the voter to an election district, ward, or precinct in the voter's county that contains a structurally barrier free polling place; or

(2) Issue the voter an absentee ballot in accordance with the procedures established under Title 9, Subtitle 3 of this article, notwithstanding the voter's lack of eligibility for an absentee ballot under Title 9, Subtitle 3 of this article.

(d) Any ballot issued to a voter under subsection (c)(2) of this section shall be identical to the ballot used in the polling place originally assigned to the voter.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-102.

No changes are made.

Subtitle 2. Election Judges.

10-201.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, each local board shall provide at least four election judges to be the staff for each polling place.

(ii) In a precinct with fewer than 200 registered voters, the local board may provide two election judges for that precinct's polling place.

(2) An election judge shall be appointed in accordance with the requirements of § 10-203 of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, each polling place shall have an equal number of election judges from:

- (i) The majority party; and
- (ii) The principal minority party.

(2) (i) If the total number of election judges for a precinct is six or more:

1. A local board may provide one or more election judges who are not registered with either the majority political party or principal minority political party; and

2. A local board may provide one or more election judges who are minors.

(ii) The number of election judges provided under this paragraph may not exceed the lesser of:

1. The number of election judges who belong to the majority party; or

2. The number of election judges who belong to the principal minority party.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-201.

No changes are made.

10-202.

(a) (1) Except as provided in paragraph (2) of this subsection, an election judge shall be a registered voter who resides in the county for which the election judge is appointed.

(2) (i) If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State.

(ii) A minor at least 17 years old who is appointed to be an election judge and who is too young to be a registered voter shall demonstrate, to the satisfaction of the local board, that the minor meets all of the other qualifications for registration in the county.

(b) An election judge shall be able to speak, read, and write the English language.

(c) [(1) While serving as an election judge, an] AN election judge [may not hold, or be a candidate for, any other public or political party office.

(2) An election judge] may not engage in any partisan or political activity [while on duty in the polling place] THAT IS PROSCRIBED BY § 2-301 OF THIS ARTICLE.

(d) A local board may adopt guidelines consistent with the provisions of this title for the determination of the qualifications of persons considered for appointment and for the process of appointment as election judges. To the extent not inconsistent with this subtitle, the guidelines may provide for the appointment of an election judge, other than the chief judge, to serve for less than a full day and for the judge to be compensated, on a pro rata basis, in accordance with the fees set under § 10-205 of this subtitle for a judge serving a full day.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-202.

Subsection (c) of this section is revised for clarity and consistency with § 2-301 of this article.

The only other changes are in style.

Defined term: "Local board" § 1-101

10-203.

(a) The election director, with the approval of the local board, shall appoint the election judges for each polling place for a term that begins on the Tuesday that is 13 weeks before each statewide primary election.

(b) One or two election judges in each precinct shall:

- (1) Be designated chief judge; and
- (2) Supervise the staff at the polling place.

(c) The term of office for an election judge continues until the Tuesday that is 13 weeks before the next statewide primary election unless:

- (1) The local board excuses the person for good cause; or
- (2) A special election is held during the election judge's term of office and the State Board determines that a local board may not need the service of all of the appointed election judges.

(d) A local board shall fill each vacant election judge position in the same manner as set forth in subsection (a) of this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-203.

No changes are made.

10-204.

(a) (1) Each election judge shall take and subscribe to a written oath prescribed in Article I, § 9 of the Maryland Constitution.

(2) The signed oath, when returned to the local board, shall constitute the commission of office for the election judge.

(b) The State Board shall prescribe a form for the combined oath and commission required under this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-204.

No changes are made.

10-205.

(a) A local board may fix the compensation of election judges within the limits authorized for this purpose by the county's governing body.

(b) (1) In Allegany County, the compensation for each day actually served may not be less than:

(i) \$100 per day for each chief election judge; and

(ii) \$80 per day for every other election judge.

(2) In Baltimore City, the compensation for each election day actually served shall be:

(i) \$150 per day for each chief election judge; and

(ii) \$125 per day for every other election judge.

(3) In Baltimore County, the compensation for each election day actually served shall be:

(i) \$160 per day for each chief election judge; and

(ii) \$125 per day for every other election judge.

(4) In Calvert County, the compensation for each election day actually served shall be:

(i) \$125 per day for each chief election judge; and

(ii) \$100 per day for every other election judge.

(5) In Harford County, the compensation for each election day actually served shall be:

(i) Not less than \$160 per day for each chief election judge; and

(ii) Not less than \$125 per day for every other election judge.

(6) (i) In Prince George's County, the compensation for each election day actually served shall be:

1. \$200 per day for two chief election judges; and

2. \$125 per day for every other election judge.

(ii) 1. In Prince George's County, except as provided under sub-subparagraph 2 of this subparagraph, election judges and alternate election judges shall receive \$25 as compensation for completing the course of instruction required under § 10-206 of this subtitle.

2. An election judge or alternate election judge may not receive the compensation authorized under this subparagraph if the election judge refuses to serve on an election day, unless the local board excuses the election judge.

(7) (i) In Washington County, the compensation for each election day actually served shall be:

1. \$125 per day for each chief election judge, plus a mileage allowance as determined by the Washington County Board; and

2. \$100 per day for every other election judge.

(ii) In Washington County, a chief election judge or election judge who successfully completes a course of instruction in poll working shall be eligible for additional compensation, if approved by the Washington County Board and provided for in the county budget.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-205.

No changes are made.

10-206.

(a) [(1)] In consultation with the local boards, the State Board shall:

[(i)] (1) Develop a program of instruction of election judges; and

[(ii)] (2) Oversee the implementation of the program of instruction.

(b) The training materials utilized by the program may include:

(1) An instruction manual and other written directives;

(2) Curriculum for training sessions; and

(3) Audiovisuals.

(c) The State Board shall develop a process for the evaluation of the training program and the performance of the polling place staff in each county.

(d) To the extent appropriate, the training program shall be specific to each of the voting systems used in polling places in the State.

(e) Each local board shall conduct election judge training based on the program developed by the State Board.

(f) (1) Except as provided in paragraph (2) of this subsection, each election judge shall participate in the training program provided for in subsection (a) of this section.

(2) An election judge who is appointed under emergency circumstances is not required to attend the course of instruction.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-206.

The only changes are in style.

10-207.

(a) A local board shall investigate promptly each complaint it receives regarding the fitness, qualification, or performance of an individual appointed to be an election judge.

(b) A local board shall remove any election judge who is unfit or incompetent for the office.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-207.

No changes are made.

Subtitle 3. Polling Place Procedures.

10-301.

(a) On an election day, a polling place shall be open from 7 a.m. until 8 p.m.

(b) A voter who has appeared at a polling place by the closing hour to cast a ballot shall be allowed to vote.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-301.

No changes are made.

10-302.

In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-302.

No changes are made.

10-303.

(a) Under the supervision of a chief judge, an election judge shall:

(1) Carry out the tasks assigned by the local board, including those set forth in [the Election Judge Instruction Manual] ANY ELECTION JUDGE INSTRUCTION MANUAL developed in accordance with § 10-206 of this title, during the period of time that begins before the election through the close of the polls and the return of materials to the local board; and

(2) Take measures throughout election day to assure that:

- (i) Each voter's right to cast a ballot in privacy is maintained;
- (ii) The integrity of the voting process is preserved;
- (iii) The accuracy of the counting process is protected;
- (iv) Order in the polling place is maintained; and
- (v) All election laws are observed.

(b) While serving as an election judge on an election day, an election judge shall wear a badge that:

(1) Is in plain view;

(2) Identifies the person as an election judge; and

(3) Identifies the person by name and by the ward and precinct or election district for which the person is an election judge.

(c) An election judge shall:

(1) Keep the peace; and

(2) Order the arrest of any person who:

- (i) Breaches the peace;
- (ii) Breaches any provision of this article; or

(iii) Interferes with the work of the judges in conducting the election and carrying out their assigned tasks.

(d) (1) An election judge shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher as provided in § 10-311 of this subtitle.

(2) (i) An election judge is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before its opening.

(ii) An election judge may require challengers and watchers to leave a polling place before it opens if a majority of the election judges present agrees that the presence of the challengers and watchers will prevent the timely opening of the polling place.

(3) An election judge shall designate reasonable times for challengers and watchers to examine polling lists.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-303.

In subsection (a) of this section, the reference to "any" election judge instruction manual is substituted for the former reference to "the" Election Judge Instruction Manual to eliminate the implication that a manual must be in existence. *See* § 10-206(b) of this title.

The only other changes are in style.

Defined terms: "Election" § 1-101

"Local board" § 1-101

"Precinct" § 1-101

10-304.

(a) (1) A police officer who is on duty at a polling place shall obey the order of an election judge for that polling place.

(2) A police officer making an arrest under an order of an election judge is fully protected in so doing as if the police officer received a valid warrant to make the arrest.

(b) A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-304.

No changes are made.

10-305.

(a) If there is a vacancy in the polling place staff during voting hours:

(1) The local board may fill the vacancy with a substitute election judge who has been recruited and trained; or

(2) An election judge who is present at the polling place may fill the position of the absent election judge by appointing a person registered with the same party affiliation as the absent election judge.

(b) If a substitute election judge is appointed under subsection (a) of this section:

(1) Either the election director, the election director's designee, or the election judge making the substitute appointment shall administer the oath required under § 10-204 of this title; and

(2) A chief election judge shall document any change in the polling place staff in the records of the polling place.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-305.

No changes are made.

10-306.

(a) (1) The State Board, in consultation with the election directors of the local boards, shall specify and produce informational materials to be posted in each polling place.

(2) A local board may produce other materials appropriate for the polling places in the county.

(b) Before the polls open, the election judges for each precinct shall post in the voting room:

(1) The specimen ballot for the precinct;

(2) Instructions relating to the availability of assistance to elderly and disabled voters; and

(3) Any other informational material to assist voters on election day, as directed by the election director.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-306.

No changes are made.

10-307.

(a) The members of each local board shall be available as needed on an election day.

(b) The local board shall provide the staff of each polling place with the means to contact and obtain support from the office of the local board on election day.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-307.

No changes are made.

10-308.

An election judge shall allow the following individuals to have access to the voting room at a polling place:

- (1) A voter;
- (2) An individual who accompanies a voter in need of assistance in accordance with § 10-310(c) of this subtitle;
- (3) Polling place staff;
- (4) A member or other representative of the State Board or local board;
- (5) An accredited watcher or challenger under § 10-311 of this subtitle;
- (6) A child under the age of 11 who accompanies a voter in accordance with § 10-310(c) of this subtitle; and
- (7) Any other individual authorized by the State Board or local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-308.

No changes are made.

10-309.

(a) In accordance with instructions provided by the election director, an election judge shall arrive at the polling place and, under the direction of the chief judge, set up the polling place to assure that the polls will be open and operational at 7 a.m.

(b) Except as provided in § 10-303(d)(2)(ii) of this subtitle, an election judge shall admit an accredited challenger or watcher one-half hour before the polling place is open.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-309.

No changes are made.

10-310.

(a) In accordance with instructions provided by the local board, an election judge shall qualify a voter by:

(1) Locating the voter's name in the precinct register and locating the preprinted voting authority card;

(2) (i) If the voter's name is not found on the precinct register, searching the inactive list and if the name is found, qualifying the voter for voting as instructed; or

(ii) If the voter's name is not on the inactive list, contacting the local board office and, if authorized, issuing a temporary certificate of registration, as provided in § 3-601 of this article;

(3) Establishing the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;

(4) Verifying the address of the voter's residence;

(5) If any changes to the voting authority card are indicated by a voter, making the appropriate changes in information on the card or other appropriate form; and

(6) Having the voter sign the voting authority card and either issuing the voter a ballot or sending the voter to a machine to vote.

(b) On the completion of the procedures set forth in subsection (a) of this section, a voter may vote in accordance with the procedures appropriate to the voting system used in the polling place.

(c) (1) Before a voter enters a voting booth, at the request of the voter, an election judge shall:

(i) Instruct the voter about the operation of the voting system; and

(ii) Allow the voter an opportunity to operate a model voting device, if appropriate to the voting system in use.

(2) (i) 1. After a voter enters the voting booth, at the request of the voter, two election judges representing different political parties shall instruct the voter on the operation of the voting device.

2. An election judge may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

3. After instructing the voter, the election judges shall exit the voting booth and allow the voter to vote privately.

(ii) A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a voter who requires assistance in marking or preparing the ballot because of a physical

disability or an inability to read the English language may choose any individual to assist the voter.

(ii) A voter may not choose the voter's employer or agent of that employer or an officer or agent of the voter's union to assist the voter in marking the ballot.

(4) If the voter requires the assistance of another in voting, but declines to select an individual to assist, an election judge, in the presence of another election judge that represents another political party, shall assist the voter in the manner prescribed by the voter.

(5) An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

(6) If a voter requires assistance under paragraphs (4) or (5) of this subsection, the election judge shall record, on a form prescribed by the State Board, the name of the voter who required assistance and the name of the individual providing assistance to the voter.

(7) Except as provided in paragraphs (3) or (4) of this subsection, a person over the age of 10 years may not accompany a voter into a voting booth.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-310.

No changes are made.

10-311.

(a) (1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

(i) The State Board for any polling place in the State;

(ii) A local board for any polling place located in the county of the local board;

(iii) A candidate;

(iv) A political party; and

(v) Any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:

(1) Enter the polling place one-half hour before the polls open;

(2) Enter or be present at the polling place at any time when the polls are open;

(3) Remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;

(4) Maintain a list of registered voters who have voted and take the list outside of the polling place; and

(5) Enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots.

(c) (1) (i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

(i) Ascertain how a voter voted or intends to vote;

(ii) Converse in the polling place with any voter;

(iii) Assist any voter in voting; or

(iv) Physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-311.

No changes are made.

10-312.

(a) The right of an individual to vote may be challenged at the polls only on the grounds of identity.

(b) (1) A challenge to an applicant's right to vote shall be:

(i) Made before a voter is issued a ballot or a voting authority card;
and

(ii) Decided before the applicant enters the voting booth.

(2) (i) An individual who challenges an applicant's right to vote shall provide the reason for the challenge under an oath administered by an election judge.

(ii) An election judge shall question the challenged voter under oath about the reason for the challenge.

(3) (i) If a majority of the election judges believes the applicant to be the individual registered, the applicant shall be permitted to vote.

(ii) If a majority of the election judges believes the applicant to be a person other than the individual registered, the applicant may not vote and the word "rejected" shall be written on the applicant's voting authority card.

(4) If an applicant is denied the right to vote under paragraph (3)(ii) of this subsection, the applicant has the right to appeal the decision to the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-312.

No changes are made.

10-313.

(a) In any general election or special general election, a voter may write in a name for any office.

(b) (1) When requested by a voter, an election judge shall provide information on write-in voting.

(2) (i) If a voter requests information on write-in voting, an election judge shall assure that the voter is fully informed of the procedure before voting.

(ii) If a voter is unable to write, the voter may have assistance as provided in § 10-310(c) of this subtitle.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-313.

No changes are made.

10-314.

(a) (1) The local board shall provide election judges with detailed procedures for the closing of the polls, specific to the voting system used.

(2) The procedures shall include directions on:

(i) The tabulation, recording, and reporting of votes if these activities are undertaken in the polling place;

(ii) The preparation, signing, and sealing of documents and other election materials;

(iii) The security of all equipment and materials in the polling place;
and

(iv) The return of equipment and materials to the local board.

(b) If election results are produced in the polling place, the election judge shall admit watchers to hear the announced results.

(c) A chief judge shall release an election judge from duty after the completion of the election judge's assigned tasks.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-314.

No changes are made.

10-315.

(a) Every employer in the State shall permit any employee who is a registered voter in the State a period not to exceed 2 hours absence from work on election day in order to vote if the employee does not have 2 hours of continuous off-duty during the time that the polls are open.

(b) The employer shall pay the employee for the 2 hours absence from work.

(c) (1) Each employee shall furnish to the employer proof that the employee has voted.

(2) The proof that an employee has voted shall be on a form prescribed by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 10-315.

No changes are made.

Title 11. Canvassing.

Subtitle 1. Definitions.

11-101.

(a) In this title the following words have the meanings indicated.

(b) "Board of canvassers" means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote after an election in that county.

(c) (1) "Canvass" means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results.

(2) For absentee ballots, the "canvass" includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

(d) "Counting center" means one or more central locations designated by a local board to conduct the canvass.

(e) "Removable data storage device" means a read-only memory device that is programmed to record votes as they are cast on an electronic voting system.

(f) (1) "Unofficial returns" means a vote tabulation reported on election night after the polls close.

(2) "Unofficial returns" does not include the absentee ballot count.

(g) "Vote tabulation" or "vote counting" means the aggregation of the votes cast by individual voters to produce vote totals at any level.

(h) "Vote tallying" means the recording of votes cast by individual voters on a certified voting system whether done by:

(1) A mechanical lever voting machine;

(2) An electronic voting device; or

(3) Making marks manually on a tally sheet.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-101.

No changes are made.

Subtitle 2. Closing the Polls.

11-201.

The State Board shall adopt regulations consistent with the provisions of this title governing the canvass.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-201.

No changes are made.

11-202.

(a) (1) Each qualified voter present at the polls at 8 p.m. on election day shall be allowed to vote before the election judges commence their duties under this section.

(2) In accordance with the provisions of this article and regulations adopted by the State Board, after the last voter has voted in an election, the election judges shall follow the instructions issued by the election director for closing the polls and for performing the tasks required in the postclosing period.

(b) In accordance with this section, the election judges shall:

(1) Secure the voting system to prevent further voting;

(2) If appropriate to the voting system, record the vote, produce vote totals for the polling place, and announce results to those present;

(3) Complete all documents, records, and reports required by law or regulation after the closing of the polls;

(4) Perform any other tasks assigned by the election director;

(5) Assemble and account for materials to be returned to the local board, including, if applicable for the voting system used in that election:

(i) Removable data storage devices from voting equipment;

(ii) Voted ballots;

(iii) Precinct registers;

(iv) Voting authority cards;

(v) Signs and posters;

(vi) Records, reports, logs, affidavits, certificates, and other documents;

(vii) Keys to voting devices;

(viii) Poll books; and

(ix) Any other materials specified by the election director;

(6) Assure that equipment and materials left in the polling place for retrieval at a later time are stored in a secure manner; and

(7) Deliver materials and equipment to the local board and obtain receipts from the board certifying the delivery of the items.

(c) Judges may be observed, while performing their duties under this section, until they have finished their work and leave the premises by:

(1) Authorized challengers, watchers, and observers in accordance with § 10-311 of this article;

(2) Any candidate; and

(3) Any other person lawfully present.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-202.

No changes are made.

Subtitle 3. Vote Canvassing by Local Board.

11-301.

(a) A board of canvassers shall:

(1) Convene [and be sworn in on or before 5 p.m. on the day of each election] at the designated counting center for that county ON OR BEFORE THE DAY OF THE ELECTION, BUT NOT LATER THAN 5 P.M. ON THAT DAY, AND BE SWORN IN;

(2) Meet only in public session; and

(3) Subject to regulations adopted by the State Board to ensure the integrity of the electoral process and that the accuracy of the vote tabulation is not impeded or compromised, provide for observation and understanding of the canvass by those individuals in attendance.

(b) Each board of canvassers shall elect by majority vote a chairman and secretary from among its members.

(c) Each member of the board of canvassers shall take an oath, administered and recorded by the clerk of the circuit court, to canvass and declare the votes cast truthfully and to perform other duties required by law.

(d) (1) At the first meeting of the board of canvassers for the purpose of canvassing, a majority of the whole board of canvassers shall be a quorum.

(2) If a quorum is not present, the members present shall adjourn until the next day.

(e) Except as otherwise provided in this article, all decisions shall be reached by a majority vote of the members present.

(f) If a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.

(g) At least one member of the board of canvassers present shall be a registered voter of the principal minority party.

(h) Once the board has satisfied the requirements of subsections (a) through (g) of this section, it may proceed with the canvass in accordance with the regulations of the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-301.

Subsection (a)(1) of this section is revised to clarify that the oath of office may be administered before the day of the election.

The only other changes are in style.

Defined terms: "Election" § 1-101

"Principal minority party" § 1-101

"State Board" § 1-101

11-302.

(a) Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(b) (1) A local board may not open any envelope of an absentee ballot prior to 8 a.m. on the Wednesday following election day.

(2) A local board may not delay the commencement of the canvass to await the receipt of late-arriving, timely absentee ballots.

(c) (1) An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the State Board.

(2) An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

(d) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.

(2) A local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) The local board shall reject an absentee ballot if:

(i) Before the ballot is canvassed, the local board determines that the voter died before election day;

(ii) The voter failed to sign the oath on the ballot envelope;

(iii) The local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

(iv) The local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(4) IF THE LOCAL BOARD RECEIVES MORE THAN ONE LEGALLY SUFFICIENT BALLOT, IN SEPARATE ENVELOPES, FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:

(I) COUNT ONLY THE BALLOT WITH THE LATEST PROPERLY SIGNED OATH; AND

(II) REJECT ANY OTHER BALLOT.

(5) IF THE INTENT OF THE VOTER IS NOT CLEARLY DEMONSTRATED, THE LOCAL BOARD SHALL REJECT ONLY THE VOTE FOR THAT OFFICE OR QUESTION.

(6) IF AN ABSENTEE VOTER CASTS A VOTE FOR AN INDIVIDUAL WHO HAS CEASED TO BE A CANDIDATE, THE VOTE FOR THAT CANDIDATE MAY NOT BE COUNTED, BUT THAT VOTE DOES NOT INVALIDATE THE REMAINDER OF THE BALLOT.

REVISOR'S NOTE: This section formerly was Art. 33, §§ 11-302 and 11-303(d)(4), (5), and (6).

The only other changes are in style.

Defined terms: "Absentee ballot" § 1-101

"Election" § 1-101

"Local board" § 1-101

"State Board" § 1-101

[11-302.1.] 11-303.

(a) Following an election, each local board shall meet at its designated counting center to canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(b) A local board may not open any envelope of a provisional ballot prior to 8 a.m. on the Wednesday following election day.

(c) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of a provisional ballot or the vote cast in a particular contest.

(2) A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) The local board shall reject a provisional ballot if:

(i) The local board determines that the temporary certificate of registration that corresponds to the provisional ballot is not valid;

(ii) The local [election] board determines that the individual is not a registered voter;

(iii) The individual failed to sign the oath on the temporary certificate of registration;

(iv) The individual failed to sign the oath on the provisional ballot envelope;

(v) The individual received more than one ballot for the same election; or

(vi) The local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-302.1 and is renumbered.

The only changes are in style.

Defined terms: "Local board" § 1-101

"Election" § 1-101

"Provisional ballot" § 1-101

"State Board" § 1-101

[11-303.] 11-304.

(a) A candidate or absentee voter aggrieved by the decision of a local board to reject, or not to reject, an absentee ballot shall have the right of appeal to the circuit court for the county.

(b) The appeal must be filed within 5 days from the date of the completion of the official canvass by the board of all the votes cast at the election.

(c) The appeal shall be heard de novo, without a jury, as soon as possible.

(d) (1) The decision of the circuit court may be appealed to the Court of Special Appeals, provided the appeal is taken within 48 hours from the entry of the decision of the circuit court.

(2) The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case.

(3) The original papers and the transcript shall be transmitted to the Court of Special Appeals within 5 days from the taking of the appeal, and the appeal shall be heard as soon as possible.

[(4) If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall:

(i) Count only the ballot with the latest properly signed oath; and

(ii) Reject any other ballot.

(5) If the intent of the voter is not clearly demonstrated, the local board shall reject only the vote for that office or question.

(6) If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.]

REVISOR'S NOTE: This section formerly was Art. 33, § 11-303(a) through (d)(3).

Former subsection (d)(4), (5), and (6) of this section is in § 11-302(d) of this subtitle.

No changes are made.

Defined terms: "Absentee ballot" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

[11-303.1.] 11-305.

(a) A candidate or individual who voted using a provisional ballot aggrieved by the decision of a local board to reject, or not to reject, a provisional ballot shall have the right of appeal to the circuit court for the county.

(b) The appeal must be filed within 5 days from the date of the completion of the official canvass by the board of all the votes cast at the election.

(c) The appeal shall be heard de novo, without a jury, as soon as possible.

(d) (1) The decision of the circuit court may be appealed to the Court of Special Appeals, provided the appeal is taken within 48 hours from the entry of the decision of the circuit court.

(2) The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case.

(3) The original papers and the transcript shall be transmitted to the Court of Special Appeals within 5 days from the taking of the appeal, and the appeal shall be heard as soon as possible.

REVISOR'S NOTE: This section, formerly Art. 33, § 11-303.1, is renumbered.

No changes are made.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

"Provisional ballot" § 1-101

[11-304.] 11-306.

The person designated to maintain custody of the documents and records required under this title shall maintain and secure those items in accordance with the regulations adopted by the State Board.

REVISOR'S NOTE: This section, formerly Art. 33, § 11-304, is renumbered.

No changes are made.

[11-305.] 11-307.

(a) If a board of canvassers determines that there appears to be an error in the documents or records produced at the polling place following an election, then it immediately shall investigate the matter to ascertain whether the records or documents are correct.

(b) The board of canvassers may correct a document or record only in accordance with the regulations of the State Board.

REVISOR'S NOTE: This section, formerly Art. 33, § 11-305, is renumbered.

No changes are made.

[11-306.] 11-308.

(a) Within 10 days after any election, and before certifying the results of the election, each board of canvassers shall verify the vote count in accordance with the regulations prescribed by the State Board for the voting system used in that election.

(b) Upon completion of the verification process, the members of the board of canvassers shall:

(1) Certify in writing that the election results are accurate and that the vote has been verified; and

(2) Provide copies of the election results to the persons specified under § 11-401 of this title.

(c) (1) If a member of a local board of canvassers dissents from a determination of an election result or reasonably believes that the conduct of a local board member or local board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and file with the local board a distinct written statement of the reasons for the dissent or concern.

(2) The State Board shall maintain a file of the written statements submitted under this subsection by members of the local boards.

REVISOR'S NOTE: This section, formerly Art. 33, § 11-306, is renumbered.

No changes are made.

Subtitle 4. Certification of Election Results by Local Board.

11-401.

(a) (1) After each election, each board of canvassers shall transmit one certified copy of the election results in its county, attested by the signatures of the chairperson and secretary of the board of canvassers, to:

(i) The Governor;

(ii) The State Board of Elections; and

(iii) The clerk of the circuit court for the appropriate county.

(2) The statement may be mailed or delivered in person.

(b) After each general election in which votes have been cast for a write-in candidate, each board of canvassers shall transmit a statement of returns of the votes cast for write-in candidates who have filed a certificate of candidacy.

(c) (1) The transmittal shall be made on the second Friday after a primary or general election or, if the canvass is completed after that date, within 48 hours after the completion of the canvass.

(2) After a special primary or special election, the transmittal shall be made as soon as possible, but no later than the second Thursday after the election.

(d) The clerk of the circuit court shall [enter of] record the election results filed with the court under this section.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-401.

The only change is in style.

11-402.

(a) Unless otherwise provided by the Maryland Constitution, and except as provided in subsection (b) of this section, each board of canvassers shall prepare a statement of election results by precinct for each candidate or question voted on at the election and declare:

(1) Who is elected or nominated for office:

(i) In county government; or

(ii) For any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board; and

(2) Whether or not a question is adopted or approved.

(b) The statement prepared by the board of canvassers under subsection (a) of this section may not report the absentee vote separately by precinct.

(c) Each local board shall publish a sufficient number of copies of the complete election results, tabulated by precinct, and shall make the copies available to the public at cost.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-402.

No changes are made.

11-403.

(a) (1) Except as provided in subsection (b) of this section, and in accordance with regulations adopted by the State Board, the equipment and documentation of a voting system, including all paper and electronic documentation, shall remain secured following the verification required by § 11-306 of this title until:

(i) The expiration of the period allowed for initiating a recount;

(ii) In the event of a recount, the recount is completed; and

(iii) The resolution of any election contest.

(2) After the expiration of the period specified in paragraph (1) of this subsection, the equipment and documentation of the voting system shall be maintained in accordance with regulations of the State Board.

(b) A voting system may be opened and the documents and equipment associated with it examined in the presence of the officer having custody of the voting system upon:

(1) The order of any court of competent jurisdiction; or

(2) The direction of any legislative committee charged with investigating a contested election affected by the use of the voting system.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-403.

No changes are made.

Subtitle 5. Statewide Canvass and Certification.

11-501.

(a) Following each gubernatorial primary or special primary election in the State, the State Board shall:

(1) Convene within 2 days after the certified official election results are received from the local boards;

(2) If a majority of the members of the State Board is not present, adjourn for not more than 1 day;

(3) Determine which candidates, by the greatest number of votes, have been nominated to each office and which questions have received a sufficient number of votes to be adopted or approved; and

(4) Prepare and certify statewide election results based on the certified copies of the statements made by the county boards of canvassers.

(b) (1) If a member of the State Board dissents from a determination of an election result or reasonably believes that the conduct of a Board member or Board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and file with the Board a distinct written statement of the reasons for the dissent or concern.

(2) The State Board shall maintain a file of the written statements submitted under this subsection by members of the Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-501.

No changes are made.

11-502.

(a) The Board of State Canvassers consists of the following members:

(1) The Secretary of State;

- (2) The Comptroller;
- (3) The State Treasurer;
- (4) The Clerk of the Court of Appeals; and
- (5) The Attorney General.

(b) Three members of the Board of State Canvassers constitute a quorum.

(c) The State Administrator of the State Board of Elections serves as secretary to the Board of State Canvassers.

(d) The State Treasurer may appoint, as the Treasurer's designee, a deputy treasurer to serve on the Board of State Canvassers.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-502.

No changes are made.

11-503.

(a) The Board of State Canvassers shall:

(1) (i) Convene only after a presidential primary election, a State general election, or a general or special general election that includes a candidate for member of the Congress of the United States;

(ii) Convene within 35 days of that election; and

(iii) If a majority of members of the Board of State Canvassers is not present, adjourn for not more than 1 day;

(2) Determine which candidates, by the greatest number of votes, have been elected to each office and which questions have received a sufficient number of votes to be adopted or approved;

(3) Prepare statewide election results for each candidate and question, based on the certified copies of the statements made by the county boards of canvassers; and

(4) Prepare and transmit a certified statement of the election results to the State Board of Elections.

(b) (1) If a member of the Board of State Canvassers dissents from a determination of an election result or reasonably believes that the conduct of a Board member or Board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and transmit a distinct written statement of the reasons for the dissent or concern to the State Board of Elections.

(2) The State Board of Elections shall maintain a file of the written statements submitted under this subsection by members of the Board of State Canvassers.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-503.

No changes are made.

Subtitle 6. Certification of General Election Results and Issuance of Commissions of Election.

11-601. GOVERNOR -- DETERMINATION AND PROCLAMATION OF VOTES.

(A) DETERMINATION.

ON RECEIPT, IN ACCORDANCE WITH THIS SUBTITLE, OF THE RETURNS OF AN ELECTION FOR ELECTORS TO CHOOSE A PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES OR OF AN ELECTION TO CHOOSE A MEMBER OF CONGRESS, THE GOVERNOR SHALL:

(1) ASCERTAIN AND ENUMERATE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES AND DECLARE ELECTED THE PRESIDENTIAL ELECTORS OF THE CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES; AND

(2) IN EACH CONTEST, ASCERTAIN AND ENUMERATE THE NUMBER OF VOTES CAST FOR EACH CANDIDATE VOTED FOR AS A MEMBER OF CONGRESS AND DECLARE ELECTED THE CANDIDATE WHO RECEIVES THE HIGHEST NUMBER OF VOTES.

(B) PROCLAMATION.

AFTER ASCERTAINING AND ENUMERATING THE NUMBER OF VOTES FOR CANDIDATES AS REQUIRED BY SUBSECTION (A) OF THIS SECTION, THE GOVERNOR SHALL:

(1) SIGN AND ISSUE A PROCLAMATION DECLARING THE NAME OF EACH CANDIDATE WHO IS ELECTED; AND

(2) CAUSE THE PROCLAMATION TO BE PUBLISHED IN NEWSPAPERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 2-405.

In the introductory language of subsection (a) of this section, the references to "an" election are added for clarity.

Also in the introductory language of subsection (a) of this section, the disjunctive phrase "or of an election" for members is substituted for the former conjunctive phrase "and for [an election]" for members for clarity.

Also in the introductory language of subsection (a) of this section, the phrase "in accordance with this subtitle" is added for clarity and completeness.

In subsection (b)(2) of this section, the requirement that the Governor "cause the proclamation to be published" is substituted for the former requirement that the proclamation be "inserted" in newspapers by the Governor for clarity.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

11-602. SAME -- COMMISSIONS OF ELECTION.

The Governor shall issue a commission to an individual elected to or continued in office only if the individual's election is certified by the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-602.

No changes are made.

[11-601.] 11-603. STATE BOARD -- CERTIFICATION OF RESULTS.

(a) (1) The State Board shall certify election results in accordance with the provisions of this article and regulations adopted by the State Board.

(2) The certification by the State Board shall include a determination that reports or statements of contributions and expenditures required to be filed under § 13-401 of this article have been filed.

(b) The State Board shall:

(1) Promptly deliver under its seal a certified statement notifying:

(i) Each individual who is declared elected;

(ii) Each individual who is continued in office;

(iii) The Secretary and presiding officer of the United States Senate, in the case of the election of a United States Senator to represent the State; and

(iv) The Clerk and presiding officer of the United States House of Representatives, in the case of the election of a member of the House of Representatives to represent the State; and

(2) Publish a sufficient number of copies of the certified statements of the votes cast throughout the State that are delivered to it by the Board of State Canvassers and make the copies available to the public at cost.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-601.

No changes are made.

[11-603.] 11-604. MEMBER OF CONGRESS -- EFFECT OF CERTIFICATION.

A certificate issued by the State Board of Elections to the Secretary and presiding officer of the United States Senate or to the Clerk and presiding officer of the House of Representatives of the United States under [§ 11-601] § 11- 603(b)(1)(iii) and (iv) of this subtitle constitutes prima facie evidence of the right of the individual certified to be seated for office in the United States Congress.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-603.

The only changes are in style.

[11-604.] 11-605. MUNICIPAL REFERENDA -- REPORTING OF RESULTS.

(a) In a county, municipal corporation, or other political subdivision in which a referendum vote is held on a law, ordinance, or resolution, the executive head of the county, municipal corporation, or other political subdivision promptly shall report the results of the referendum to the clerk of the court for the county.

(b) As promptly as possible thereafter, the clerk of the court shall certify the results of the referendum to the State Board.

REVISOR'S NOTE: This section formerly was Art. 33, § 11-604.

No changes are made.

Title 12. Contested Elections.

Subtitle 1. Recounts.

12-101.

(a) A candidate for public or party office who has been defeated based on the certified results of any election conducted under this article may petition for a recount of the votes cast for the office sought.

(b) The petition shall specify that the recount be conducted:

- (1) In all of the precincts in which the office was on the ballot; or
- (2) Only in the precincts designated in the petition.

(c) The petition shall be filed with the [same election authority] BOARD with which the candidate's certificate of candidacy was filed.

(d) The petition must be filed within 3 days after the results of the election have been certified.

(e) (1) The State Board shall promptly notify each appropriate local board of a petition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a petition that is filed with the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-101.

In subsection (c) of this section, the reference to "board" is substituted for the former reference to "election authority" for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

"Precinct" § 1-101

"State Board" § 1-101

12-102.

(a) An opposing candidate of the petitioner under § 12-101 of this subtitle may file a counterpetition if:

(1) The petition filed under § 12-101 of this subtitle did not specify all of the precincts in which the office was on the ballot; and

(2) On completion of the recount, the winner of the election is changed.

(b) A counterpetition shall be a request for a recount of the votes for the office in the precincts not specified by the petitioner under § 12-101 of this subtitle.

(c) The opposing candidate shall file the counterpetition with the [same election authority] BOARD with which the candidate's certificate of candidacy was filed.

(d) The petition must be filed within 2 days of the determination under subsection (a)(2) of this section.

(e) (1) The State Board shall promptly notify each appropriate local board of a counterpetition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a counterpetition that is filed with the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-102.

In subsection (c) of this section, the reference to "board" is substituted for the former reference to "election authority" for clarity.

No other changes are made.

Defined terms: "Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

"Precinct" § 1-101

"State Board" § 1-101

12-103.

(a) A petition for a recount based on the certified results of a question on the ballot in an election conducted under this article may be filed by a registered voter eligible to vote for that question.

(b) The petition shall specify that the recount be conducted:

(1) In all of the precincts in which the office was on the ballot; or

(2) Only in precincts designated in the petition.

(c) (1) If the question was on the ballot in one county, the petition shall be filed in that county.

(2) If the question was on the ballot in more than one county, the petition shall be filed with the State Board.

(d) The petition must be filed within 2 days after the results of the election are certified.

(e) (1) The State Board shall promptly notify each appropriate local board of a petition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a petition that is filed with the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-103.

No changes are made.

12-104.

(a) A counterpetition to a question filed under § 12-103 of this subtitle may be filed by a voter eligible to vote for that question, if:

(1) The petition filed under § 12-103 of this subtitle did not specify all of the precincts in which the question was on the ballot; and

(2) On completion of the recount, the outcome of the election is changed.

(b) A counterpetition shall be a request for a recount of the votes for the question in the precincts not specified by the petitioner under § 12-103 of this subtitle.

(c) (1) If the question was on the ballot in one county, the counterpetition shall be filed in that county.

(2) If the question was on the ballot in more than one county, the counterpetition shall be filed with the State Board.

(d) The petition shall be filed within 2 days of the determination under subsection (a)(2) of this section.

(e) (1) The State Board shall promptly notify each appropriate local board of a counterpetition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a counterpetition that is filed with the local board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-104.

No changes are made.

12-105.

(a) A petition or counterpetition filed under this subtitle shall be filed with a bond as provided under subsection (b) of this section.

(b) (1) If a recount is being conducted in only one county, a judge of the circuit court of the county shall determine and set the bond to be filed by the petitioner or counterpetitioner sufficient to pay the reasonable costs of the recount.

(2) If the recount is being conducted in more than one county, a judge of the Circuit Court for Anne Arundel County shall determine and set the bond.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-105.

No changes are made.

12-106.

(a) In accordance with regulations adopted by the State Board, the local board shall:

(1) Conduct the recount and certify the official result of the election or question which is the subject of the recount; and

(2) Ensure the public's ability to be present while the recount is conducted.

(b) The State Board shall monitor and support the work of any local board conducting a recount to ensure compliance with this subtitle.

(c) The State Board shall establish a procedure that will allow petitioners and counterpetitioners to request that a recount be terminated prior to its completion.

(d) When a recount is completed, the local board, and when appropriate the State Board, shall correct the primary, general, or special election returns and certificates that were made by a canvassing board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-106.

No changes are made.

12-107.

(a) In this section, "petitioner" includes a counterpetitioner.

(b) (1) Except as provided in paragraph (2) of this subsection, each petitioner shall pay the cost of a recount requested under this subtitle and the petitioner's bond is liable for the cost.

(2) The petitioner is not liable for the costs of the recount if:

(i) The outcome of the election is changed;

(ii) The petitioner has gained a number of votes, for the petitioner's candidacy or for or against the question that is the subject of the petition, equal to 2% or more of the total votes cast for the office or on the question, in all precincts being recounted; or

(iii) 1. The margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates; or

2. In the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.1% or less.

(c) If the petitioner is not liable for the costs of the recount as provided in subsection (b) of this section, a county shall pay the costs of the recount in that county.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-107.

No changes are made.

Subtitle 2. Judicial Review of Elections.

12-201.

This subtitle applies to an issue arising in an election conducted under this article.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-201.

No changes are made.

12-202.

(a) If no other timely and adequate remedy is provided by this article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:

- (1) Is inconsistent with this article or other law applicable to the elections process; and
- (2) May change or has changed the outcome of the election.

(b) A registered voter may seek judicial relief under this section in the appropriate circuit court within the earlier of:

- (1) 10 days after the act or omission or the date the act or omission became known to the petitioner; or
- (2) 7 days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case 3 days after the election results are certified.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-202.

No changes are made.

12-203.

(a) A proceeding under this subtitle shall be conducted in accordance with the Maryland Rules, except that:

- (1) The proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;
- (2) On the request of a party or sua sponte, the chief administrative judge of the circuit court may assign the case to a three-judge panel of circuit court judges; and
- (3) An appeal shall be taken directly to the Court of Appeals within 5 days of the date of the decision of the circuit court.

(b) The Court of Appeals shall give priority to hear and decide an appeal brought under subsection (a)(3) of this section as expeditiously as the circumstances require.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-203.

No changes are made.

12-204.

(a) The court may provide a remedy as provided in subsection (b) or (c) of this section if the court determines that the alleged act or omission materially affected the rights of interested parties or the purity of the elections process and:

- (1) May have changed the outcome of an election already held; or
- (2) May change the outcome of a pending election.

(b) If the court makes an affirmative determination that an act or omission was committed that changed the outcome of an election already held, the court shall:

- (1) Declare void the election for the office or question involved and order that the election be held again at a date set by the court; or
- (2) Order any other relief that will provide an adequate remedy.

(c) If the court makes an affirmative determination that an act or omission has been committed that may change the outcome of a pending election, the court may:

(1) Order any relief it considers appropriate under the circumstances;
and

(2) If the court determines that it is the only relief that will provide a remedy, direct that the election for the office or question involved be postponed and rescheduled on a date set by the court.

(d) A determination of the court under subsection (a) of this section shall be based on clear and convincing evidence.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-204.

No changes are made.

TITLE 13. CAMPAIGN FINANCE.

SUBTITLE 1. GENERAL PROVISIONS.

13-101. SCOPE OF TITLE.

(A) IN GENERAL.

THIS TITLE APPLIES TO EACH ELECTION CONDUCTED IN ACCORDANCE WITH THIS ARTICLE.

(B) EXCEPTION FOR CAMPAIGN FINANCE ACTIVITY GOVERNED BY FEDERAL LAW.

THIS TITLE DOES NOT APPLY TO CAMPAIGN FINANCE ACTIVITY REQUIRED TO BE GOVERNED SOLELY BY FEDERAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 13-101, 13-401(k), and 13-402(b).

Subsection (b) of this section is revised to acknowledge the primacy of federal law with regard to the regulation of campaign finances for federal candidates and to conform the law to the practice of the State Board in relying on federal law to guide its campaign finance reporting procedures for federal candidates in Maryland. In that regard, the former requirement under Art. 33, § 13-402(b) that a candidate for election or elected to a federal office file a copy of certain campaign statements with the State Board is deleted to acknowledge the practice instituted by the Federal Election Commission with the State Board by which electronic copies of the campaign reports of federal candidates and office holders are made available to the public by a computer donated by the federal government which is housed at the offices of the State Board.

In subsection (a) of this section, the reference to an election being "conducted" in accordance with this article is substituted for the former reference to an election "in which ballots shall be cast" pursuant to this article for brevity and clarity.

Defined term: "Election" § 1-101

13-102. INDEPENDENT EXPENDITURES BY AN INDIVIDUAL.

EXCEPT FOR A CANDIDATE, THIS TITLE DOES NOT PROHIBIT AN INDIVIDUAL WHO ACTS INDEPENDENTLY OF ANY OTHER PERSON FROM:

- (1) EXPRESSING PERSONAL VIEWS ON ANY SUBJECT; OR
- (2) MAKING AN EXPENDITURE OF PERSONAL FUNDS TO PURCHASE CAMPAIGN MATERIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-504(a).

The introductory clause "[e]xcept for a candidate" is added to clarify that this section applies to an individual acting as an individual, not as a candidate.

The former phrase "[p]rovided that a person complies with the requirement set forth in subsection (b) of this section [§ 13-504]" is deleted as unconstitutional if applied to regulate the independent expenditures of certain individuals in light of *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995). (See, 80 *Opinions of the Attorney General*(1995) [Opinion 95-015 (May 16, 1995)])

Former Art. 33, § 13-504(b) is revised in § 13-401 of this title.

Defined term: "Candidate" § 1-101

13-103. SUMMARY OF ELECTION LAWS; FORMS.

(A) IN GENERAL.

(1) THE STATE BOARD SHALL PREPARE A SUMMARY OF THE ELECTION LAW THAT RELATES TO CAMPAIGN FINANCE ACTIVITY AND PROVIDE FOR DISTRIBUTION OF THE SUMMARY.

(2) WHEN A CERTIFICATE OF CANDIDACY IS FILED, THE BOARD RECEIVING THE CERTIFICATE SHALL PROVIDE THE CANDIDATE WITH:

(I) A COPY OF THE SUMMARY; AND

(II) EACH FORM THE CANDIDATE IS REQUIRED TO FILE UNDER THIS TITLE.

(B) SAMPLE FORMS FOR LOCAL BOARDS.

THE STATE BOARD SHALL PROVIDE TO A LOCAL BOARD SAMPLES OF SUCH OF THE FORMS REQUIRED UNDER THIS TITLE AS THE LOCAL BOARD MAY REQUEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-102.

In subsection (a)(2) of this section, the defined term "candidate" is substituted for the former phrase "candidates for nomination for or election to public or party office" for brevity and clarity.

Also in subsection (a)(2) of this section, the reference to a "board" is added to state explicitly that which formerly was implied in the requirement that certain documents be distributed to a candidate at the time the candidate files for office and to recognize that such a filing might occur at either the State Board or a local board.

Defined terms: "Candidate" § 1-101

"Local board" § 1-101

"State Board" § 1-101

SUBTITLE 2. CAMPAIGN FINANCE ORGANIZATION AND ACTIVITY.

PART I. IN GENERAL.

13-201. SCOPE.

UNLESS OTHERWISE PROVIDED BY LAW, THIS SUBTITLE APPLIES TO ALL CAMPAIGN FINANCE ACTIVITY ASSOCIATED WITH AN ELECTION UNDER THIS ARTICLE.

REVISOR'S NOTE: This section is new language added for clarity.

Defined term: "Election" § 1-101

13-202. CAMPAIGN FINANCE ENTITY REQUIRED.

(A) PREREQUISITE -- CAMPAIGN FINANCE ACTIVITY.

UNLESS OTHERWISE EXPRESSLY AUTHORIZED BY LAW, ALL CAMPAIGN FINANCE ACTIVITY FOR AN ELECTION UNDER THIS ARTICLE SHALL BE CONDUCTED THROUGH A CAMPAIGN FINANCE ENTITY.

(B) SAME -- CANDIDACY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT FILE A CERTIFICATE OF CANDIDACY UNTIL THE INDIVIDUAL ESTABLISHES, OR CAUSES TO BE ESTABLISHED, A CAMPAIGN FINANCE ENTITY.

(2) THE CAMPAIGN FINANCE ENTITY REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION MAY BE EITHER:

(I) A PERSONAL TREASURER; OR

(II) A POLITICAL COMMITTEE THAT IS AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity and states a proposition that the Election Law Article Review Committee believes is implicit in the totality of former Art. 33, Title 13. The Election Law Article Review Committee calls this addition to the attention of the General Assembly.

Subsection (b) of this section is new language derived without substantive change from former Art. 33, § 13-201(a)(1)(ii) and, as it related to the formation of a campaign finance entity, § 13-201(a)(1)(i).

In subsection (b) of this section, the former requirement that "[t]he board or the State Board ..." is deleted as unnecessary in light of § 5-301(b)(2) of this article.

Also in subsection (b) of this section, the reference to the defined term

"campaign finance entity" is added. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(1) of this section, the phrase "may not file a certificate of candidacy" is substituted for the former reference to "a condition precedent to qualifying as candidate" for clarity and consistency with this article. *See, e.g.*, the definition of "candidate" in § 1-101 of this article.

Defined terms: "Authorized candidate campaign committee" § 1-101

"Campaign finance entity" § 1-101

"Election" § 1-101

13-203. CAMPAIGN FINANCE REPORT REQUIRED.

EACH CAMPAIGN FINANCE ENTITY SHALL COMPLY WITH THE REPORTING REQUIREMENTS OF SUBTITLE 3 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 33, § 13-201(a)(1)(i), the second sentence of (e), and, as it related to the responsibility to file campaign finance reports, the seventh sentence of § 13-202(a).

The reference to the defined term "campaign finance entity" is substituted for the former references to the "candidate and treasurer", "treasurer of the slate", "treasurer of any political committee", and "treasurer and chairman" for clarity and brevity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined term: "Campaign finance entity" § 1-101

13-204. RESERVED.

13-205. RESERVED.

PART II. ORGANIZATION.

13-206. PERSONAL TREASURER.

(A) APPLICABILITY.

THIS SECTION APPLIES ONLY TO A CANDIDATE WHO ELECTS TO USE A PERSONAL TREASURER TO CONDUCT CAMPAIGN FINANCE ACTIVITY.

(B) PREREQUISITE TO ACTIVITY.

A CANDIDATE MAY NOT RECEIVE OR DISBURSE MONEY OR ANY OTHER THING OF VALUE THROUGH A PERSONAL TREASURER UNLESS THE CANDIDATE ESTABLISHES A PERSONAL TREASURER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(C) ESTABLISHMENT.

TO ESTABLISH A PERSONAL TREASURER, AN INDIVIDUAL SHALL:

(1) APPOINT A TREASURER ON A FORM THAT THE STATE BOARD PRESCRIBES AND THAT INCLUDES THE TREASURER'S NAME AND ADDRESS; AND

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FILE THE FORM WITH THE BOARD WHERE THE INDIVIDUAL IS REQUIRED TO FILE A CERTIFICATE OF CANDIDACY.

(D) ACCEPTANCE BY THE TREASURER.

AN INDIVIDUAL MAY NOT FILE A FORM APPOINTING A TREASURER, AND THE APPOINTEE MAY NOT ACT AS TREASURER, UNTIL:

(1) THE APPOINTEE ACCEPTS THE APPOINTMENT IN WRITING ON A FORM THAT THE STATE BOARD PRESCRIBES; AND

(2) THE ACCEPTANCE FORM IS FILED WITH THE BOARD WHERE THE INDIVIDUAL IS REQUIRED TO FILE A CERTIFICATE OF CANDIDACY.

(E) VACANCY.

(1) A TREASURER MAY RESIGN BY COMPLETING A RESIGNATION FORM THAT THE STATE BOARD PRESCRIBES AND FILING THE FORM WITH THE BOARD WHERE THE PERSONAL TREASURER WAS ESTABLISHED.

(2) IF A VACANCY OCCURS IN THE OFFICE OF TREASURER, THE CANDIDATE PROMPTLY SHALL APPOINT A NEW TREASURER IN ACCORDANCE WITH THIS SECTION.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that this section only applies to a candidate who elects to use a personal treasurer.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 33, § 13-201(a)(2), the second sentence of (a)(1)(i), and, as they related to the establishment of a personal treasurer for a candidate, (b) and the first sentence of (a) and (c).

In subsection (b) of this section, the reference to a candidate "not receiv[ing] or disburs[ing] money or any other thing of value through a personal treasurer" is substituted for the former reference to a "person not act[ing] as a treasurer" for clarity and consistency with § 13-207(b) of this subtitle.

In subsection (c) of this section, the former references to a "campaign" treasurer are deleted in light of the use of the defined term "treasurer".

In subsection (e)(1) of this section, the reference to the board "where the

personal treasurer was established" is substituted for the former reference to the board "where the original appointment was filed" for clarity and accuracy.

Also in subsection (e)(1) of this section, the former reference to "sign[ing]" a resignation form is deleted as included in the reference to "completing" a resignation form.

In subsection (e)(2) of this section, the reference to a candidate's appointment of a new treasurer in the event of a "vacancy" is added for clarity and to conform to the presumed legislative intent. The Election Law Article Review Committee calls this addition to the attention of the General Assembly.

Defined terms: "Candidate" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-207. POLITICAL COMMITTEES -- IN GENERAL.

(A) APPLICABILITY.

THIS SECTION APPLIES TO A POLITICAL COMMITTEE OTHER THAN A POLITICAL CLUB.

(B) PREREQUISITE TO ACTIVITY.

A POLITICAL COMMITTEE MAY NOT RECEIVE OR DISBURSE MONEY OR ANY OTHER THING OF VALUE UNLESS THE POLITICAL COMMITTEE IS ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(C) ESTABLISHMENT.

TO ESTABLISH A POLITICAL COMMITTEE:

(1) A CHAIRMAN AND A TREASURER SHALL BE APPOINTED ON A FORM THAT THE STATE BOARD PRESCRIBES AND THAT IS SIGNED BY THE CHAIRMAN AND TREASURER AND INCLUDES:

(I) THE RESIDENCE ADDRESSES OF THE CHAIRMAN AND THE TREASURER; AND

(II) THE INFORMATION REQUIRED BY § 13-208 OF THIS SUBTITLE;
AND

(2) THE FORM SHALL BE FILED WITH THE BOARD WHERE THE POLITICAL COMMITTEE IS REQUIRED TO FILE CAMPAIGN FINANCE REPORTS.

(D) VACANCY.

(1) A CHAIRMAN OR TREASURER OF A POLITICAL COMMITTEE MAY RESIGN BY COMPLETING A RESIGNATION FORM THAT THE STATE BOARD PRESCRIBES AND FILING THE FORM WITH THE BOARD WHERE THE POLITICAL COMMITTEE WAS ESTABLISHED.

(2) IF A VACANCY OCCURS IN THE OFFICE OF CHAIRMAN OR THE OFFICE OF TREASURER, THE POLITICAL COMMITTEE PROMPTLY SHALL APPOINT A NEW CHAIRMAN OR TREASURER IN ACCORDANCE WITH THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-202(a), as it related to the appointment, resignation, and duties of a chairman and a treasurer for a political club.

In subsection (b) of this section, the former reference to a political committee "collect[ing]" money or other valuable things is deleted as redundant in light of the use of the word "receive".

Also in subsection (b) of this section, the former reference to a political committee "or any of its members" is deleted because the identity of the members of a political committee is not reported to the State Board or a local board.

In the introductory language of subsection (c) of this section, the former requirement that a political committee or a central committee "constantly maintain" a chairman and treasurer is deleted as surplusage.

In subsection (c)(1) of this section, the former references to the "other principal officers" and "other officers" of a political committee are deleted because their identity is not reported to the State Board or a local board.

In subsection (c)(2) of this section, as to the substitution of the defined term "campaign finance report" for the former reference to "campaign fund reports", *see* General Revisor's Note to this title and § 1-101 of this article.

In subsection (d)(1) and (2) of this section, the references to the defined term "political committee" are substituted for the former references to a "committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (d)(1) of this section, the reference to the board "where the political committee was established" is substituted for the former reference to the board "where the original appointment was filed" for clarity and accuracy.

Also in subsection (d)(1) of this section, the former reference to "sign[ing]" a resignation form is deleted as included in the reference to "completing" a resignation form.

Also in subsection (d)(1) of this section, the former reference to "otherwise ceas[ing] to be a chairman or treasurer" is deleted as included in the

reference to "resign[ing]".

In subsection (d)(2) of this section, the reference to a political committee's appointment of a chairman or treasurer in the event of a "vacancy" is added for clarity and to reflect the former reference to an individual "otherwise ceas[ing] to be chairman or treasurer".

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the term "political club" is not defined under the Election Code. The Attorney General has loosely defined the term to mean an organization that has dues-paying members, functions between elections, continues in existence from year to year, and supports from time to time various candidates and causes. *See* Letter of Advice dated January 23, 1978, to the Honorable Donald P. Hutchinson, Maryland State Senate, from George A. Nilson, Deputy Attorney General. The General Assembly may wish to consider adding a definition of the term in this article.

Defined terms: "Campaign finance report" § 1-101

"Political committee" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-208. POLITICAL COMMITTEES -- STATEMENT OF ORGANIZATION.

(A) SCOPE.

THIS SECTION APPLIES TO A POLITICAL COMMITTEE OTHER THAN A POLITICAL CLUB.

(B) REQUIREMENT.

A POLITICAL COMMITTEE SHALL PROVIDE, WITH THE FILING REQUIRED BY § 13-207(C) OF THIS SUBTITLE, A STATEMENT OF ORGANIZATION THAT INCLUDES ITS NAME AND A STATEMENT OF PURPOSE.

(C) STATEMENT OF PURPOSE.

THE STATEMENT OF PURPOSE SHALL SPECIFY:

(1) EACH CANDIDATE OR BALLOT QUESTION, IF ANY, THAT THE POLITICAL COMMITTEE WAS FORMED TO PROMOTE OR DEFEAT; AND

(2) THE IDENTITY OF THE SPECIAL INTERESTS, INCLUDING ANY BUSINESS OR OCCUPATION, IF ANY, THAT THE ORGANIZERS OF OR CONTRIBUTORS TO THE POLITICAL COMMITTEE HAVE IN COMMON.

(D) NAME.

(1) A POLITICAL COMMITTEE MAY NOT USE A NAME THAT IS INTENDED OR OPERATES TO DECEIVE PEOPLE AS TO THE POLITICAL COMMITTEE'S TRUE NATURE OR CHARACTER.

(2) A POLITICAL COMMITTEE ESTABLISHED BY AND FOR A SINGLE CANDIDATE SHALL DISCLOSE WITHIN THE POLITICAL COMMITTEE'S NAME THE NAME OF THE CANDIDATE.

(3) A POLITICAL COMMITTEE SPONSORED BY OR AFFILIATED WITH ANOTHER ENTITY OR GROUP SHALL IDENTIFY WITHIN THE POLITICAL COMMITTEE'S NAME THE OTHER ENTITY OR GROUP.

(E) SUPPLEMENTAL INFORMATION.

A CHANGE IN THE INFORMATION REPORTED UNDER THIS SECTION SHALL BE DISCLOSED IN THE CAMPAIGN FINANCE REPORT NEXT FILED BY THE POLITICAL COMMITTEE.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 33, § 13-202(c).

Throughout this section, the defined term "political committee" is substituted for the former references to a "committee". *See* General Revisor's Note to this title.

In subsection (b) of this section, the phrase "with the filing required by § 13-207(c) of this subtitle" is added for clarity.

Also in subsection (b) of this section, the reference to "a statement of organization" is added for clarity and accuracy.

Also in subsection (b) of this section, the former clause "[i]n addition to the other requirements of this section" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "organizers" of a political committee is substituted for the former reference to "members" because the identity of the "members" of a political committee is not reported to the State Board or a local board.

In subsection (d) of this section, the introductory language of former Art. 33, § 13-202(c)(2) is deleted as surplusage.

In subsection (e) of this section, the defined term "campaign finance report" is substituted for the former reference to a "report of contributions and expenditures". *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance report" § 1-101

"Candidate" § 1-101

"Political committee" § 1-101

13-209. SAME -- SLATES.

(A) IN GENERAL.

TWO OR MORE CANDIDATES WHO HAVE ESTABLISHED SEPARATE CAMPAIGN FINANCE ENTITIES MAY FORM A SLATE.

(B) JOINING.

AFTER ESTABLISHING A CAMPAIGN FINANCE ENTITY IN ACCORDANCE WITH § 13-202(B) OF THIS SUBTITLE, A CANDIDATE MAY JOIN A SLATE.

(C) NOTICE REQUIRED.

(1) TO JOIN A SLATE, A CANDIDATE SHALL FILE A WRITTEN NOTICE WITH THE BOARD WHERE THE CANDIDATE FILED A CERTIFICATE OF CANDIDACY.

(2) THE NOTICE SHALL SPECIFY:

(I) THE NAME OF THE SLATE THAT THE CANDIDATE HAS JOINED;

AND

(II) THE DATE ON WHICH THE CANDIDATE JOINED THE SLATE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 33, § 13-201(e).

Throughout this section, the defined term "slate" is substituted for the former phrase, "group, combination or organization of candidates, commonly known as a `slate'". See § 1-101 of this article.

In subsections (a) and (b) of this section, the references to establishing a "campaign finance" entity are substituted for the former references to "filing the name of a treasurer" and "the filing" for clarity. See General Revisor's Note to this title and § 1-101 of this article.

In subsection (b) of this section, the reference to establishing a campaign finance entity "in accordance with § 13-202(b) of this subtitle" is added for clarity and brevity.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Slate" § 1-101

13-210. SAME -- LOBBYISTS.

(A) LOBBYIST DEFINED.

IN THIS SECTION, "LOBBYIST" MEANS A REGULATED LOBBYIST AS DESCRIBED IN THE STATE GOVERNMENT ARTICLE.

(B) APPLICABILITY OF STATE GOVERNMENT ARTICLE.

A LOBBYIST, OR PERSON ACTING ON BEHALF OF A LOBBYIST, MAY BE SUBJECT TO THE LIMITATIONS ON CAMPAIGN FINANCE ACTIVITY PRESCRIBED IN THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsection (b) of this section is new language added to reflect the consolidation and recodification of former Art. 33, § 13-201(a)(4)(i)2 in § 15-707(d) of the State Government Article. *See* Ch. 631 (HB 2), Acts of 2001.

13-211. CAMPAIGN FINANCE ENTITIES -- SUBTREASURERS.

(A) IN GENERAL.

A TREASURER FOR A CAMPAIGN FINANCE ENTITY MAY APPOINT A SUBTREASURER FOR ANY COUNTY OR POLITICAL SUBDIVISION.

(B) PARTY CENTRAL COMMITTEE.

NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, AS TO ANY COUNTY, A TREASURER OF THE STATE OR COUNTY CENTRAL COMMITTEE OF A POLITICAL PARTY MAY APPOINT A SUBTREASURER FOR EACH PRECINCT IN THE COUNTY.

(C) MANNER OF APPOINTMENT.

A TREASURER MAY APPOINT A SUBTREASURER UNDER SUBSECTION (A) OR (B) OF THIS SECTION BY:

(1) COMPLETING A FORM THAT THE STATE BOARD PRESCRIBES AND THAT INCLUDES THE NAME AND ADDRESS OF THAT SUBTREASURER; AND

(2) FILING THE FORM WITH THE BOARD WHERE THE CAMPAIGN FINANCE ENTITY IS ESTABLISHED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentences of former Art. 33, §§ 13-201(c) and (d) and 13-203 as they related to the appointment of a subtreasurer by a treasurer.

In subsections (a) and (b) of this section, the former references to "Baltimore City", "City of Baltimore", and "city" are deleted, as the definition of "county" in § 1-101 of this article includes Baltimore City.

In subsection (a) of this section, the former reference to a "separate"

subtreasurer is deleted as surplusage.

In subsection (b) of this section, the introductory clause, "[n]otwithstanding subsection (a) of this section" is added for clarity.

Also in subsection (b) of this section, the phrase "as to any county, a treasurer appointed by the State or county central committee of a political party" is substituted for the former reference to "[t]he treasurer appointed by the central committee of any party, or the treasurer appointed in any county or City of Baltimore by the members of the central committee for such county or city of any party, or the treasurer appointed by the city committee of Baltimore City of any party" for brevity and clarity.

Also in subsection (b) of this section, the former reference to a "voting" precinct is deleted in light of the reference to the defined term "precinct".

In subsection (c) of this section, the reference to filing the form "where the campaign finance entity is established" is substituted for the former reference to the board "with which the candidate is required to file a certificate of candidacy" for clarity and accuracy.

Defined terms: "Campaign finance entity" § 1-101

"County" § 1-101

"Precinct" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-212. SAME -- CAMPAIGN MANAGER.

AN INDIVIDUAL MAY APPOINT A CAMPAIGN MANAGER BY:

(1) COMPLETING A FORM THAT THE STATE BOARD PRESCRIBES AND THAT INCLUDES THE NAME AND ADDRESS OF THAT CAMPAIGN MANAGER; AND

(2) FILING THE FORM WITH THE BOARD WHERE THE INDIVIDUAL IS REQUIRED TO FILE A CERTIFICATE OF CANDIDACY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 33, § 13-201(c), as it related to the appointment of a campaign manager.

Defined term: "State Board" § 1-101

13-213. RESERVED.

PART III. CAMPAIGN FINANCE OFFICERS -- RESPONSIBILITY, QUALIFICATIONS, AND ELIGIBILITY.

13-214. RESPONSIBILITY.

(A) JOINT AND SEVERAL LIABILITY OF RESPONSIBLE OFFICERS.

THE RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY ARE JOINTLY AND SEVERALLY RESPONSIBLE FOR FILING ALL CAMPAIGN FINANCE REPORTS IN FULL AND ACCURATE DETAIL AND FOR ALL OTHER ACTIONS OF THE ENTITY.

(B) NOTICE TO RESPONSIBLE OFFICERS.

NOTICE SHALL BE PROVIDED TO A CAMPAIGN FINANCE ENTITY BY SERVING THE RESPONSIBLE OFFICERS.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 33, § 13-401(c).

Subsection (b) of this section is new language added for clarity.

In subsections (a) and (b) of this section, the reference to the defined term "campaign finance entity" is added for consistency and clarity. See General Revisor's Note to this title and § 1-101 of this article.

In subsection (a) of this section, the reference to the defined term "campaign finance report" is substituted for the former reference to "reports or statements". See General Revisor's Note to this title and § 1-101 of this article.

Also in subsection (a) of this section, the reference to "all other actions of the entity" is new language added for clarity. The Election Law Article Review Committee calls this addition to the attention of the General Assembly.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Responsible officer" § 1-101

13-215. QUALIFICATIONS AND ELIGIBILITY.

(A) QUALIFICATIONS.

EACH CHAIRMAN, TREASURER, SUBTREASURER, AND CAMPAIGN MANAGER SHALL BE A REGISTERED VOTER OF THE STATE.

(B) ELIGIBILITY -- CANDIDATES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CANDIDATE MAY NOT ACT:

(I) AS THE TREASURER OR SUBTREASURER OF A CAMPAIGN FINANCE ENTITY OF THE CANDIDATE; OR

(II) WITH RESPECT TO ANY OTHER CAMPAIGN FINANCE ENTITY:

1. AS THE CAMPAIGN MANAGER, TREASURER, OR SUBTREASURER; OR

2. IN ANY OTHER POSITION THAT EXERCISES GENERAL OVERALL RESPONSIBILITY FOR THE CONDUCT OF THE ENTITY.

(2) AN INCUMBENT MEMBER OF A CENTRAL COMMITTEE WHO IS A CANDIDATE FOR ELECTION TO PARTY OFFICE MAY ACT AS THE TREASURER OF THAT CENTRAL COMMITTEE.

(C) SAME -- OTHER CAMPAIGN FINANCE OFFICERS.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE CHAIRMAN, TREASURER, SUBTREASURER, OR CAMPAIGN MANAGER OF A CAMPAIGN FINANCE ENTITY MAY SERVE AS THE CHAIRMAN, TREASURER, SUBTREASURER, OR CAMPAIGN MANAGER OF ANOTHER CAMPAIGN FINANCE ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from the second, third, and fourth sentences of former Art. 33, § 13-201(c) and, as it related to the qualifications and eligibility of campaign officers, § 13-202(a).

In subsection (a) of this section, the former reference to an individual who is not a "citizen, resident" is deleted in light of the reference to being a "registered voter". The Election Law Article Review Committee assumes that the General Assembly did not intend to require that a campaign finance officer be physically present or actually living in the State.

Also in subsection (a) of this section, the Election Law Article Review Committee notes, for consideration by the General Assembly, that the requirement that a campaign manager be a registered voter of the State is generally ignored and not adhered to and is unenforced, since the identity of a campaign manager generally is not reported to or known by the State Board.

Also in subsection (a) of this section, the former reference to "any election or primary election" is deleted as surplusage.

In subsections (b)(1) and (c) of this section, the defined term "campaign finance entity" is substituted for the former references to "candidate or political committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In the introductory language of subsection (b)(1) of this section, the defined term "candidate" is substituted for the former phrase "candidate for public or party office or nomination to public or party office" for brevity.

In subsection (b)(1)(ii)2 of this section, the reference to not acting "in any other position that exercises general overall responsibility for the conduct of the entity" is added for clarity and for consistency with the interpretation and practice of the State Board.

In subsection (c) of this section, the references to a "chairman" are added for clarity and for consistency with the interpretation and practice of the State Board to allow a chairman of a campaign finance entity to also act as the chairman of another campaign finance entity, subject to the limitation specified in subsection (b)(1)(ii)2 of this section.

Also in subsection (c) of this section, the first reference to "campaign finance entity" is new language added to state expressly that which formerly only was implied by the reference to a political committee in the second sentence of former Art. 33, § 13-201(c).

Former Art. 33, § 13-201(a)(3) is deleted as unnecessary in light of § 2-301 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Campaign manager" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Treasurer" § 1-101

13-216. RESERVED.

13-217. RESERVED.

PART IV. CAMPAIGN FINANCE ACTIVITY AND RECORDS.

13-218. TREASURER -- CONTROL OF CONTRIBUTIONS AND EXPENDITURES.

(A) CONTRIBUTIONS.

ALL ASSETS RECEIVED BY OR ON BEHALF OF A CAMPAIGN FINANCE ENTITY SHALL BE:

(1) DELIVERED TO THE TREASURER; AND

(2) MAINTAINED BY THE TREASURER FOR THE PURPOSES OF THE CAMPAIGN FINANCE ENTITY.

(B) DISBURSEMENTS -- IN GENERAL.

(1) ASSETS OF A CAMPAIGN FINANCE ENTITY MAY BE DISBURSED ONLY:

(I) IF THEY HAVE PASSED THROUGH THE HANDS OF THE
TREASURER; AND

(II) IN ACCORDANCE WITH THE PURPOSES OF THE ENTITY.

(2) SUBJECT TO § 13-220(B)(2) AND (C) OF THIS SUBTITLE, THE
TREASURER SHALL MAKE ALL DISBURSEMENTS FOR THE CAMPAIGN FINANCE
ENTITY.

(C) SAME -- CENTRAL COMMITTEE.

THE TREASURER OF A STATE OR COUNTY CENTRAL COMMITTEE OF A
POLITICAL PARTY MAY NOT MAKE ANY DISBURSEMENT OF THE CENTRAL
COMMITTEE'S ASSETS, OR INCUR ANY LIABILITY ON ITS BEHALF, WITHOUT
AUTHORITY AND DIRECTION FROM THE CHAIRMAN OF THE CENTRAL COMMITTEE.

REVISOR'S NOTE: Subsections (a) and (b) of this section are new language
derived without substantive change from former Art. 33, §§ 13-205(a),
13-210(a), and as it related to the responsibilities of a treasurer, §
13-202(a).

Subsection (c) of this section is new language derived without substantive
change from former Art. 33, § 13-205(c).

In subsections (a), (b), and (c) of this section, the references to "assets" are
substituted for the former reference to "contributions, money or other
valuable things" and "money or other valuable" things for brevity.

In subsections (a) and (b) of this section, the defined term "campaign
finance entity" is substituted for the former references to "treasurer" and
"candidate or committee" for clarity. *See* § 1-101 of this article.

In subsection (a) of this section, former § 13-210(b)(1) is deleted as
included in the requirements of subsection (a) of this section.

Also in subsection (a) of this section, the reference to assets received by "or
on behalf of" a candidate or political committee is added for clarity.

Also in subsection (a) of this section, the former reference to money or
other valuable things "collected" is deleted as duplicative of the word
"received".

In subsection (b) of this section, the former reference to "members" is
deleted as misleading because the identities of the members of a political
committee are not reported to the State Board or a local board.

In subsection (c) of this section, the former reference to "expend[ing]"
money is deleted as included in the reference to a "disbursement" for
brevity.

Also in subsection (c) of this section, the reference to a "county" central committee is added for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Treasurer" § 1-101

13-219. SUBTREASURER -- DUTIES.

(A) IN GENERAL.

A SUBTREASURER SHALL:

(1) DEPOSIT, DISBURSE, AND ACCOUNT FOR FUNDS IN THE SAME MANNER AS, AND UNDER THE AUTHORITY OF, THE TREASURER;

(2) SUBMIT A CAMPAIGN FINANCE REPORT UNDER OATH TO THE TREASURER ON A FORM THAT THE STATE BOARD PRESCRIBES; AND

(3) INCLUDE WITH THE REPORT A COPY OF EACH CAMPAIGN CONTRIBUTION RECEIPT ISSUED.

(B) REPORT BY CAMPAIGN FINANCE ENTITY.

THE CAMPAIGN FINANCE REPORT FILED BY THE CAMPAIGN FINANCE ENTITY UNDER SUBTITLE 3 OF THIS TITLE SHALL HAVE ATTACHED TO IT A COPY OF THE CAMPAIGN FINANCE REPORT OF THE SUBTREASURER AND ACCOUNT FOR THE ITEMS IN THE SUBTREASURER'S REPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 13-203 and 13-201(d), as they related to the authority and duties of a subtreasurer, and § 13-206(b)(2).

This section is revised for brevity and clarity in light of 76 *Opinions of the Attorney General* 200 (1991) [Opinion No. 91-034 (July 26, 1991)], which provides that "... a subtreasurer may deposit funds and disburse money ..." and that "a subtreasurer's accountability under FEPA is identical to the treasurer's". Accordingly, the former reference to the authority of a subtreasurer to "expend such money as may be placed in his hands by the treasurer appointing him" is deleted as implicit in the authority vested in a treasurer when appointing a subtreasurer.

As to the substitution of the defined term "campaign finance report" for the former references to a "report", *see* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance report" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-220. CAMPAIGN ACCOUNTS.**(A) REQUIREMENT.**

(1) EACH CAMPAIGN FINANCE ENTITY SHALL DESIGNATE ONE OR MORE CAMPAIGN ACCOUNTS.

(2) EACH DESIGNATED CAMPAIGN ACCOUNT SHALL:

(I) BE IN A FINANCIAL INSTITUTION; AND

(II) BE REGISTERED IN A MANNER THAT IDENTIFIES IT AS THE ACCOUNT OF A CAMPAIGN FINANCE ENTITY.

(3) A CAMPAIGN FINANCE ENTITY SHALL DEPOSIT ALL FUNDS RECEIVED IN A DESIGNATED CAMPAIGN ACCOUNT.

(B) DISBURSEMENTS BY CHECK.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION, A CAMPAIGN FINANCE ENTITY MAY NOT DIRECTLY OR INDIRECTLY MAKE A DISBURSEMENT EXCEPT BY CHECK FROM A CAMPAIGN ACCOUNT DESIGNATED UNDER SUBSECTION (A) OF THIS SECTION.

(2) A CAMPAIGN FINANCE ENTITY, OR A PERSON AUTHORIZED BY THE CAMPAIGN FINANCE ENTITY, MAY PAY AN EXPENSE OF THE CAMPAIGN FINANCE ENTITY FROM FUNDS OTHER THAN A CAMPAIGN ACCOUNT IF:

(I) THE EXPENSE IS SUPPORTED BY A RECEIPT THAT IS PROVIDED TO THE CAMPAIGN FINANCE ENTITY; AND

(II) THE CAMPAIGN FINANCE ENTITY REIMBURSES THE PERSON WHO PAID THE EXPENSE BY CHECK FROM THE CAMPAIGN ACCOUNT AND REPORTS THE EXPENSE AS AN EXPENDITURE OF THE CAMPAIGN FINANCE ENTITY IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE.

(C) PETTY CASH FUND.

(1) A CAMPAIGN FINANCE ENTITY MAY MAINTAIN A PETTY CASH FUND.

(2) THE CAMPAIGN FINANCE ENTITY SHALL MAINTAIN A SEPARATE ACCOUNT BOOK FOR THE PETTY CASH FUND.

(3) THE PETTY CASH FUND:

(I) MAY NOT EXCEED \$250 AT ANY TIME; AND

(II) MAY BE REPLENISHED ONLY BY CHECK FROM A CAMPAIGN ACCOUNT DESIGNATED UNDER SUBSECTION (A) OF THIS SECTION.

(4) NOT MORE THAN \$25 MAY BE DISBURSED FROM THE PETTY CASH FUND IN A PRIMARY OR GENERAL ELECTION TO A SINGLE RECIPIENT.

(5) EACH PETTY CASH EXPENDITURE SHALL BE SUPPORTED BY A RECEIPT AND REPORTED BY CATEGORY ON THE APPROPRIATE CAMPAIGN FINANCE REPORT.

(6) THIS SUBSECTION DOES NOT AUTHORIZE AN EXPENDITURE THAT OTHERWISE IS UNLAWFUL UNDER THIS ARTICLE.

REVISOR'S NOTE: Subsections (a), (b), and (c)(2) through (6) of this section are new language derived without substantive change from former Art. 33, § 13-204.

Subsection (c)(1) of this section is new language added for clarity.

Throughout this section, the defined term "campaign finance entity" is substituted for the former references to "candidate, political committee, central committee", "treasurer or subtreasurer", "campaign treasurer or subtreasurer", and "treasurer" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsections (a) and (b) of this section, the references to a "campaign account" are substituted for the former reference to "depository or depositories" and "depository" for consistency with current terminology.

In subsection (a)(2)(i) of this section, the reference to a campaign account "in a financial institution" is added for clarity and accuracy.

In subsection (a)(2)(ii) of this section, the former requirement that a campaign account "properly" identify a name is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to "contributions in furtherance of a candidacy, political committee or central committee" is deleted in light of the use of the term "funds".

In subsection (b)(1) of this section, the reference to making a "disbursement" is substituted for the former reference to "pay any expense" for clarity and consistency with other provisions of this subtitle.

Also in subsection (b)(1) of this section, the former reference to "including political clubs," is deleted as included in the reference to a campaign finance entity. *See* General Revisor's Note to this title.

In subsection (b)(2)(i) of this section, the reference to a receipt that is "provided to" the campaign finance entity is substituted for the former reference to a receipt that is "retained by" the entity for accuracy and in light of § 13-221(b) of this subtitle which governs the retention of the records of a campaign finance entity.

In subsection (b)(2)(ii) of this section, the former reference to the "nature" of the expense is deleted in light of the requirement that the expense be reported as an expenditure by the campaign finance entity.

In subsection (c)(2) of this section, the former reference to a "ledger" is deleted in light of the reference to an "account book".

In subsection (c)(5) of this section, the former reference to receipts "that are retained by the treasurer" is deleted in light of the requirement that each petty cash expenditure "be supported by a receipt".

Also in subsection (c)(5) of this section, the defined term "campaign finance report" is substituted for the former reference to "campaign fund report". See General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Election" § 1-101

"Expenditure" § 1-101

13-221. BOOKS AND RECORDS.

(A) IN GENERAL.

(1) THE TREASURER OF A CAMPAIGN FINANCE ENTITY SHALL KEEP A DETAILED AND ACCURATE ACCOUNT BOOK OF ALL ASSETS RECEIVED, EXPENDITURES MADE, AND OBLIGATIONS INCURRED BY OR ON BEHALF OF THE ENTITY.

(2) EXCEPT AS PROVIDED IN § 13-240 OF THIS SUBTITLE, AS TO EACH ASSET RECEIVED OR EXPENDITURE MADE, THE ACCOUNT BOOK SHALL STATE:

(I) ITS AMOUNT OR VALUE;

(II) THE DATE OF THE RECEIPT OR EXPENDITURE;

(III) THE NAME AND ADDRESS OF THE PERSON FROM WHOM THE ASSET WAS RECEIVED OR TO WHOM THE EXPENDITURE WAS MADE; AND

(IV) A DESCRIPTION OF THE ASSET RECEIVED OR THE PURPOSE FOR WHICH THE EXPENDITURE WAS MADE.

(3) EACH EXPENDITURE MADE FROM A CAMPAIGN ACCOUNT SHALL BE SUPPORTED BY A RECEIPT.

(B) RETENTION.

THE ACCOUNT BOOKS AND RELATED RECORDS OF A CAMPAIGN FINANCE ENTITY SHALL BE PRESERVED UNTIL 2 YEARS AFTER THE CAMPAIGN FINANCE ENTITY FILES A FINAL CAMPAIGN FINANCE REPORT UNDER SUBTITLE 3 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-206(a)(1) and (2).

In subsections (a)(1) and (b) of this section, the references to the defined term "campaign finance entity" are added for clarity and to state explicitly that which formerly was implicit in the references to a "treasurer", "subtreasurer", or "campaign entity".

In subsection (a)(1) and (3) of this section, the former references to a "subtreasurer" are deleted in light of § 13-219 of this subtitle.

In subsection (a)(1) of this section, the reference to "asset[s]" is substituted for the former references to "contributions, money, or valuable things", "money or valuable things", "sum or valuable thing", and "sum, or other valuable thing" for brevity and consistency with § 13-218 of this subtitle.

Also in subsection (a)(1) of this section, the former reference to a "full" and "proper" account book is deleted in light of the reference to a "detailed and accurate" account book.

Also in subsection (a)(1) of this section, the former reference to contributions, money, or valuable things "promised to" a political committee is deleted in light of the use of the word "assets".

Also in subsection (a)(1) of this section, the former reference to account books being "preserved" by the treasurer is deleted in light of the requirement that the treasure "keep" the book.

Also in subsection (a)(1) of this section, the former reference to a political committee "or any of its officers or members, or by any person acting under its authority" is deleted as included in the reference to actions "by or on behalf of the entity".

In subsection (a)(2) of this section, the former references to "disbursements" and "promises of payment" are deleted as included in the reference to "each ... expenditure".

In subsection (a)(3) of this section, the former requirement that the receipt be "retained by the treasurer" is deleted in light of the requirement that each expenditure be supported by a receipt and in light of subsection (b) of this section.

In subsection (b) of this section, the reference to "campaign finance" report is added. *See* General Revisor's Note to this title and § 1-101 of this article.

Also in subsection (b) of this section, the reference to "related" records is added for clarity.

Also in subsection (b) of this section, the former reference to a longer "retention" period that may be set by "a court of competent jurisdiction" is

deleted as implicit in the inherent authority of a court.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Expenditure" § 1-101

"Treasurer" § 1-101

13-222. CAMPAIGN CONTRIBUTION RECEIPTS.

(A) IN GENERAL.

(1) ON RECEIVING AND BEFORE DEPOSITING A CONTRIBUTION SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, A TREASURER OR SUBTREASURER SHALL ISSUE A CAMPAIGN CONTRIBUTION RECEIPT ON THE FORM THAT THE STATE BOARD PRESCRIBES.

(2) A CAMPAIGN CONTRIBUTION RECEIPT SHALL BE MAILED OR DELIVERED TO EACH PERSON WHO:

(I) MAKES ONE OR MORE CONTRIBUTIONS, OTHER THAN THE PURCHASE OF TICKETS FOR A CAMPAIGN EVENT, IN THE CUMULATIVE AMOUNT OF \$51 OR MORE; OR

(II) PURCHASES ONE OR MORE TICKETS FOR A CAMPAIGN EVENT:

1. AT A COST OF \$51 OR MORE PER TICKET; OR
2. IN THE CUMULATIVE AMOUNT OF \$251 OR MORE.

(3) AT THE REQUEST OF A CONTRIBUTOR, A TREASURER OR SUBTREASURER SHALL ISSUE A CAMPAIGN CONTRIBUTION RECEIPT FOR ANY OTHER CONTRIBUTION.

(4) A CAMPAIGN CONTRIBUTION RECEIPT ISSUED UNDER THIS SECTION IS EVIDENCE OF THE CONTRIBUTION.

(B) REPORTING OF INFORMATION.

THE INFORMATION FROM A CAMPAIGN CONTRIBUTION RECEIPT SHALL BE INCLUDED IN THE CAMPAIGN FINANCE REPORT FILED BY THE TREASURER OR SUBTREASURER UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-206(b)(1), (3), and (4).

In subsection (a)(1) of this section, the reference to issuing a receipt "on" the form that the State Board prescribes is substituted for the former reference to issuing a receipt "in" the form that the State Board prescribes for accuracy.

In subsection (a)(2) of this section, the former references to a "treasurer of

a committee, group, or organization" are deleted as included in the reference to a "person".

Also in subsection (a)(2) of this section, the former references to sending a receipt to each person "in whose name" a contribution is made is deleted for clarity and accuracy.

In subsection (a)(2)(ii) of this section, the phrase "campaign event" is substituted for the former reference to "any dinner, testimonial, cocktail party, barbecue, crab feast, or other campaign-related function" for brevity.

As to the substitution of the defined term "campaign finance report" in subsection (b) of this section for the former reference to "statement of contributions and expenditures", *see* General Revisor's Note to this title and § 1-101 of this article.

Subsection (b) of this section is revised to state that certain information shall be included in a campaign finance report rather than requiring the treasurer to "retain all ... receipts ... with his ... records ... and report the information therein" for clarity and accuracy.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the necessity for, or the purpose of, subsection (a)(4) of this section is not apparent and the General Assembly may wish to consider the repeal of this provision.

Defined terms: "Campaign finance report" § 1-101

"Contribution" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-223. RESERVED.

13-224. RESERVED.

PART V. CONTRIBUTIONS -- LIMITS.

13-225. IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED BY LAW, CONTRIBUTIONS MAY BE MADE ONLY IN ACCORDANCE WITH THIS PART V OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-212(b), as it related to the right to make contributions.

The former reference to "an individual, association, unincorporated association, corporation, or other entity" is deleted for brevity.

The former reference to the "limitations" on contributions is deleted as

implicit in the reference to "this Part V of this subtitle", which sets forth the limitations.

Defined term: "Contribution" § 1-101

13-226. CONTRIBUTIONS OTHER THAN TRANSFERS.

(A) SCOPE OF SECTION.

THE LIMITS ON CONTRIBUTIONS IN THIS SECTION DO NOT APPLY TO:

- (1) A CONTRIBUTION TO A BALLOT ISSUE COMMITTEE; OR**
- (2) THOSE CONTRIBUTIONS DEFINED AS TRANSFERS.**

(B) IN GENERAL.

SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PERSON MAY NOT, EITHER DIRECTLY OR INDIRECTLY, IN AN ELECTION CYCLE MAKE:

- (1) AGGREGATE CONTRIBUTIONS IN EXCESS OF:**
 - (I) \$4,000 TO ANY ONE CAMPAIGN FINANCE ENTITY; OR**
 - (II) \$10,000 TO ALL CAMPAIGN FINANCE ENTITIES; OR**
- (2) A CONTRIBUTION OF MONEY IN EXCESS OF \$100 EXCEPT BY CHECK.**

(C) CREDIT CARD.

A PERSON MAY NOT MAKE A CONTRIBUTION BY CREDIT CARD GREATER THAN \$100 PER TRANSACTION.

(D) SPECIAL LIMIT FOR CENTRAL COMMITTEES.

(1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A CENTRAL COMMITTEE OF A POLITICAL PARTY MAY MAKE AGGREGATE IN-KIND CONTRIBUTIONS DURING AN ELECTION CYCLE THAT ARE NOT IN EXCESS OF:

(I) FOR A STATE CENTRAL COMMITTEE, \$1 FOR EVERY TWO REGISTERED VOTERS IN THE STATE; AND

(II) FOR A LOCAL CENTRAL COMMITTEE, \$1 FOR EVERY TWO REGISTERED VOTERS IN THE COUNTY.

(2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE NUMBER OF REGISTERED VOTERS IS DETERMINED, REGARDLESS OF PARTY AFFILIATION, AS OF THE FIRST DAY OF THE ELECTION CYCLE.

(E) MULTIPLE CANDIDACIES OR ENTITIES.

THE LIMIT ON CONTRIBUTIONS TO THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE APPLIES REGARDLESS OF THE NUMBER OF OFFICES SOUGHT BY THE CANDIDATE OR CAMPAIGN FINANCE ENTITIES FORMED TO SUPPORT THE CANDIDATE.

(F) AFFILIATED CORPORATIONS.

CONTRIBUTIONS BY A CORPORATION AND ANY WHOLLY-OWNED SUBSIDIARY OF THE CORPORATION, OR BY TWO OR MORE CORPORATIONS OWNED BY THE SAME STOCKHOLDERS, SHALL BE CONSIDERED AS BEING MADE BY ONE CONTRIBUTOR.

REVISOR'S NOTE: Subsections (a)(1), (b) through (d), and (f) of this section are new language derived without substantive change from former Art. 33, § 13-212(a)(1) and (2); and, as it related to the application of the limits on contributions to an election cycle, (a)(3)(i); and, as it related to the attribution of contributions to certain entities, (b); and, as it related to contributions to a ballot issue committee, § 13-214.

Subsection (a)(2) of this section is new language added for clarity.

Subsection (e) of this section is new language added for clarity and for consistency with the advice rendered by the Attorney General regarding the application of the contribution limits under this section when multiple campaign finance entities are formed to support a candidate. *See* Letter of Advice dated January 4, 2001, from Robert A. Zarnoch, Assistant Attorney General, Counsel to the General Assembly, to the Honorable Donald B. Robertson, Election Law Article Review Committee.

In the introductory language of subsection (a) of this section, the reference to "limits" is substituted for the former references to "limitations" for consistency.

In subsection (b)(1) of this section, the former reference to "any money or thing of value" is deleted as included in the defined term "contribution[s]".

In subsection (b)(1)(i) of this section, the reference to any "one" campaign finance entity is added for clarity.

Also in subsection (b)(1)(i) of this section, the defined term "campaign finance entit[ies]" is substituted for the former references to "candidate or political committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(1)(ii) of this section, the phrase "to all campaign finance entities" is added for clarity.

In subsection (d)(1) of this section, the reference to the limit on "in-kind" contributions that a State or local central committee may make during an election cycle is added for clarity and for consistency with the advice rendered by the Office of the Attorney General. *See* Letter of Advice dated

June 22, 1998, to Rebecca Wicklund, Director of Candidacy and Campaign Finance, State Administrative Board of Election Laws, Annapolis, Maryland from Kathleen Hoke Dache, Assistant Attorney General.

Also in subsection (d)(1) of this section, the reference to "[n]otwithstanding subsection (b) of this section" is substituted for the former reference to "any other provision of this article" for clarity.

The Election Law Article Review Committee notes, for the consideration of the General Assembly, that this section has been revised so that the substantive provisions apply to the State central committee and the local central committee of a political party. The Committee presumes that this is the intent of the General Assembly. Thus, in subsection (d)(1)(ii) of this section, the former reference to a "governing body" of a local central committee is deleted as surplusage since the governing body for a local central committee *is* the local central committee.

In subsection (d)(2) of this section, the reference to "the first day of the election cycle" is substituted for the former references to "January 1 following the preceding gubernatorial election" in light of the defined term "election cycle".

In subsection (f) of this section, the former phrase "for the purpose of determining the maximum amount that a corporation may contribute" is deleted as surplusage.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that it is the long-standing view of the Office of the Attorney General that a donation of money or any other valuable thing to [the political committee of] a political party for maintaining the political party's normal headquarters office and staff is not chargeable against the donor's contribution limits under this section. *See, e.g., 60 Opinions of the Attorney General 259 (1975); letter dated July 23, 1991, from Elizabeth L. Nilson, Counsel to the State Administrative Board of Election Laws, to the Honorable Robert L. Flanagan; and memorandum dated October 17, 1990, from Joseph Sandler, General Counsel, Maryland Democratic Party.* The Election Law Article Review Committee does not intend for the revision of former Art. 33, § 13-212 to affect these former interpretations.

Defined terms: "Ballot issue committee" § 1-101

"Campaign finance entity" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

"Election cycle" § 1-101

"Political party" § 1-101

13-227. TRANSFERS -- LIMITS.

(A) SCOPE.

IN THIS SECTION, A "CAMPAIGN FINANCE ENTITY" INCLUDES A NONFEDERAL OUT-OF-STATE POLITICAL COMMITTEE.

(B) APPLICABILITY.

THE LIMIT ON TRANSFERS SET FORTH IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO A TRANSFER:

(1) BY A CAMPAIGN FINANCE ENTITY TO A BALLOT ISSUE COMMITTEE;

(2) BETWEEN OR AMONG:

(I) POLITICAL COMMITTEES THAT ARE STATE OR LOCAL CENTRAL COMMITTEES OF THE SAME POLITICAL PARTY;

(II) A SLATE AND THE CAMPAIGN FINANCE ENTITIES OF ITS MEMBERS; AND

(III) THE CAMPAIGN FINANCE ENTITIES OF A CANDIDATE.

(C) IN GENERAL.

DURING AN ELECTION CYCLE, A CAMPAIGN FINANCE ENTITY MAY NOT DIRECTLY OR INDIRECTLY MAKE TRANSFERS IN A CUMULATIVE AMOUNT OF MORE THAN \$6,000 TO ANY ONE OTHER CAMPAIGN FINANCE ENTITY.

(D) AFFILIATED TRANSFERORS OR TRANSFEREES.

(1) ALL AFFILIATED CAMPAIGN FINANCE ENTITIES ARE TREATED AS A SINGLE ENTITY IN DETERMINING:

(I) THE AMOUNT OF TRANSFERS MADE BY A CAMPAIGN FINANCE ENTITY; AND

(II) THE AMOUNT OF TRANSFERS RECEIVED BY A CAMPAIGN FINANCE ENTITY.

(2) CAMPAIGN FINANCE ENTITIES ARE DEEMED TO BE AFFILIATED IF THEY:

(I) ARE ORGANIZED AND OPERATED IN COORDINATION AND COOPERATION WITH EACH OTHER; OR

(II) OTHERWISE CONDUCT THEIR OPERATIONS AND MAKE THEIR DECISIONS RELATING TO TRANSFERS AND OTHER CONTRIBUTIONS UNDER THE CONTROL OF THE SAME INDIVIDUAL OR ENTITY.

(E) MULTIPLE CANDIDACIES.

THE LIMIT ON TRANSFERS TO THE CAMPAIGN FINANCE ENTITIES OF A CANDIDATE PRESCRIBED IN SUBSECTION (C) OF THIS SECTION APPLIES REGARDLESS OF THE NUMBER OF OFFICES SOUGHT BY THE CANDIDATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-213(a) through (e); and, as it related to the application of the limits on transfers to an election cycle, § 13-212(a)(3)(i); and, as it related to transfers to a ballot issue committee, § 13-214.

As to the substitution throughout this section of the defined term "campaign finance entity" for the former references to a "campaign committee authorized by a candidate", "political committee ... or ... candidate", and "political committee", for clarity, *see* General Revisor's Note to this title and § 1-101 of this article. Similarly, in subsection (c) of this section, the former references to a "treasurer" are deleted as included in the reference to transfers by a "campaign finance entity".

In subsection (a) of this section, the reference to a "nonfederal" out-of-state political committee is added for clarity and for consistency with the advice provided by the Office of the Attorney General in a Letter of Advice dated June 4, 1993, from Elizabeth L. Nilson, Counsel to the State Board of Elections, to Carville B. Collins, Esq.

Also in subsection (a) of this section, the former reference to a political committee as including "a political committee registered under § 13-202 of this subtitle" is deleted in light of the use of the defined term "campaign finance entity".

In subsections (b) and (e) of this section, the word "limit" is substituted for the former word "limitation" for consistency.

In subsection (b) of this section, the former reference to "the provisions on affiliations set forth in this subsection" is deleted as irrelevant to the items excluded from coverage.

In subsection (c) of this section, the reference to any "one" other campaign finance entity is added for clarity.

In subsection (d)(1) of this section, the term "entity" is substituted for the former reference to "transferor" to acknowledge the similar manner in which both affiliated transferors and affiliated transferees are treated as a single entity under the law. *See, e.g.*, Letter of Advice dated January 4, 2001, from Robert A. Zarnoch, Assistant Attorney General, Counsel to the General Assembly, to the Honorable Donald B. Robertson, Election Law Article Review Committee.

Also in subsection (d)(1) of this section, the reference to "determining ... the amount of transfers made by a campaign finance entity ... and ... the amount of transfers received by a campaign finance entity" is substituted

for the former reference to "applying the limitations of this subsection" for clarity.

In subsection (d)(2) of this section, the phrase "deemed to be" is added for clarity.

In subsection (d)(2)(ii) of this section, the word "transfers" is substituted for the former word "contribution[s]" for consistency with other terminology in this section.

Also in subsection (d)(2)(ii) of this section, the reference to "transfers and other" contributions is added for clarity and completeness.

Defined terms: "Ballot issue committee" § 1-101

"Campaign finance entity" § 1-101

"Candidate" § 1-101

"Election cycle" § 1-101

"Political committee" § 1-101

"Political party" § 1-101

"Slate" § 1-101

"Transfer" § 1-101

13-228. SAME -- TRANSFERS BY A POLITICAL ACTION COMMITTEE TO A CANDIDATE.

A POLITICAL ACTION COMMITTEE THAT MAKES A TRANSFER TO THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE OR TO A SLATE SHALL:

(1) DISPLAY ITS OFFICIAL NAME, AS FILED WITH THE STATE BOARD UNDER THIS SUBTITLE, IN A PROMINENT PLACE ON THE FACE OF THE CHECK BY WHICH THE FUNDS ARE TRANSFERRED; AND

(2) INCLUDE IN A PROMINENT PLACE ON THE FACE OF THE CHECK THE WORDS "POLITICAL ACTION COMMITTEE" OR THE NOTATION "PAC", TO INDICATE THAT THE TRANSFEROR IS A POLITICAL ACTION COMMITTEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-213(f)(2).

In the introductory language of this section, the reference to the "campaign finance entity" of a candidate is substituted for the former reference to the "treasurer or political committee" for consistency with the other provisions of this title. *See* General Revisor's Note to this title.

Also in the introductory language of this section, the former reference to a slate of "candidates" is deleted as redundant in light of the use of the defined term "slate".

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Political action committee" § 1-101

"Slate" § 1-101

"Transfer" § 1-101

13-229. SAME -- PROHIBITED.

A TRANSFER IS NOT ALLOWED IF IT IS INTENDED TO CONCEAL THE SOURCE OF THE FUNDS OR THE INTENDED RECIPIENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-213(f)(1).

The reference to the "source of the funds" is substituted for the former reference to the "true identity of the actual contributor" for clarity and accuracy.

The former phrase "of any kind, in any amount" is deleted as surplusage.

Defined term: "Transfer" § 1-101

13-230. LOANS.

(A) TREATMENT -- GENERALLY.

A LOAN TO A CAMPAIGN FINANCE ENTITY IS CONSIDERED A CONTRIBUTION IN THE AMOUNT OF THE OUTSTANDING PRINCIPAL BALANCE OF THE LOAN UNLESS:

(1) THE LOAN IS FROM A FINANCIAL INSTITUTION OR OTHER ENTITY IN THE BUSINESS OF MAKING LOANS; OR

(2) THE LOAN IS TO THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE
AND:

(I) REPAYMENT OF THE LOAN IS PERSONALLY GUARANTEED BY THE CANDIDATE; AND

(II) THE ELECTION CYCLE IMMEDIATELY FOLLOWING THE ELECTION CYCLE IN WHICH THE LOAN WAS MADE HAS NOT ENDED.

(B) SAME -- UNCHARGED INTEREST.

(1) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, UNCHARGED INTEREST ON A LOAN IS A CONTRIBUTION.

(2) UNCHARGED INTEREST IS THE AMOUNT BY WHICH, DURING A REPORTING PERIOD, THE INTEREST ACTUALLY CHARGED ON THE LOAN IS LESS THAN THE INTEREST WOULD BE IF COMPUTED AT THE PRIME RATE APPLICABLE ON THE DAY THE LOAN WAS MADE.

(C) REQUIRED TERMS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERMS OF A LOAN TO A CAMPAIGN FINANCE ENTITY SHALL:

(I) BE IN WRITING;

(II) INCLUDE THE LENDER'S NAME, ADDRESS, AND SIGNATURE;

(III) STATE THE SCHEDULE FOR REPAYMENT OF THE LOAN;

(IV) STATE THE INTEREST RATE OF THE LOAN; AND

(V) BE ATTACHED TO THE CAMPAIGN FINANCE REPORT REQUIRED OF THE ENTITY UNDER SUBTITLE 3 OF THIS TITLE FOR THE REPORTING PERIOD DURING WHICH THE LOAN WAS MADE.

(2) (I) A LOAN BY A CANDIDATE OR THE CANDIDATE'S SPOUSE TO A CAMPAIGN FINANCE ENTITY OF THE CANDIDATE IS NOT REQUIRED TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION.

(II) UNLESS A LOAN BY A CANDIDATE OR THE CANDIDATE'S SPOUSE TO A CAMPAIGN FINANCE ENTITY OF THE CANDIDATE COMPLIES WITH PARAGRAPH (1) OF THIS SUBSECTION:

1. THE LOAN MAY NOT ACCRUE INTEREST;

2. ANY INTEREST FOREGONE ON THE LOAN IS NOT A CONTRIBUTION UNDER SUBSECTION (B) OF THIS SECTION; AND

3. THE CAMPAIGN FINANCE ENTITY IS NOT SUBJECT TO § 13-310(A) AND (B) OF THIS TITLE SO LONG AS THE LOAN HAS AN OUTSTANDING PRINCIPAL BALANCE.

(D) SAME -- LOANS TO CAMPAIGN FINANCE ENTITY OF A CANDIDATE.

(1) A LOAN MAY NOT BE MADE TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, OR ACCEPTED ON BEHALF OF THE ENTITY, WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CANDIDATE.

(2) THE WRITTEN CONSENT OF THE CANDIDATE CONSTITUTES THE PERSONAL GUARANTEE OF THE CANDIDATE FOR REPAYMENT OF THE LOAN ONLY IF THE DOCUMENT EXPRESSLY SO PROVIDES.

(3) A COPY OF THE CANDIDATE'S WRITTEN CONSENT SHALL BE:

(I) FURNISHED TO THE LENDER WHEN THE LOAN IS MADE; AND

(II) ATTACHED TO THE CAMPAIGN FINANCE REPORT REQUIRED OF THE ENTITY UNDER SUBTITLE 3 OF THIS TITLE FOR THE REPORTING PERIOD DURING WHICH THE LOAN WAS MADE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 13-208 and 13-207(b).

In subsection (a) of this section, the defined term "campaign finance entity" is substituted for the former references to "candidate or political committee" and "candidate" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(2)(ii) of this section, the phrase referencing the election cycle "immediately following the election cycle in which the loan was made" is substituted for the former reference to the "next" election cycle for clarity.

In subsection (b)(2) of this section, the former phrase "if interest on a loan is not charged or is charged at a rate less than the prime rate" is deleted in light of the reference to "uncharged interest". Similarly, the former phrase referencing a contribution "that is subject to the reporting requirements and limitations of this subtitle" is deleted in light of the use of the defined term "contribution".

In subsections (c)(1)(v) and (d)(3)(ii) of this section, the references to the campaign finance report required "under Subtitle 3 of this title for the reporting period during which the loan was made" are substituted for the former references to the "appropriate campaign fund report" for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that former Art. 33, § 207(b)(3), revised as subsection (c)(2)(ii) of this section, seems to be inconsistent with subsection (a)(2)(ii) of this section, inasmuch as subsection (a)(2)(ii) of this section treats, as a contribution, the amount of any outstanding principal balance on a loan at the end of the election cycle following the election cycle in which the loan was made.

As to the application of this section to a loan to the campaign finance entity of a candidate that has an outstanding balance on October 1, 2001, *see* § 2, Ch. 38, Acts of 2001.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

13-231. PERSONAL FUNDS -- USE BY CANDIDATE OR SPOUSE.

(A) CERTAIN USES NOT SUBJECT TO CONTRIBUTION LIMITS.

(1) CONTRIBUTIONS OR LOANS TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE FROM THE PERSONAL FUNDS OF THE CANDIDATE OR THE CANDIDATE'S SPOUSE ARE NOT SUBJECT TO THE CONTRIBUTION LIMITS UNDER § 13-226 OF THIS SUBTITLE.

(2) EXPENDITURES FROM PERSONAL FUNDS BY THE CANDIDATE OR THE CANDIDATE'S SPOUSE FOR PERSONAL EXPENSES OF THE CANDIDATE FOR FILING FEES, TELECOMMUNICATION SERVICES, TRAVEL, AND FOOD ARE NOT CONTRIBUTIONS.

(B) ACCOUNTING BY TREASURER REQUIRED.

A CONTRIBUTION OR LOAN TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE BY THE CANDIDATE OR THE CANDIDATE'S SPOUSE SHALL PASS THROUGH THE HANDS OF THE TREASURER OF THE ENTITY AND BE REPORTED IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-207(a).

In subsections (a)(1) and (b) of this section, as to the references to a candidate's "campaign finance entity", *see* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(2) of this section, the reference to "telecommunication services" is substituted for the former references to "telegrams" and "telephoning" to reflect current technology and terminology.

Also in subsection (a)(2) of this section, the reference to "[e]xpenditures from personal funds" is substituted for the former reference to "[p]ersonal expenses" for clarity and consistency with other provisions of this subtitle.

Also in subsection (a)(2) of this section, the reference to "food" is substituted for the former reference to "board" for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

"Expenditure" § 1-101

"Treasurer" § 1-101

13-232. CONTRIBUTIONS -- WHEN DEEMED RECEIVED.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CONTRIBUTION IS ATTRIBUTABLE TO THE ELECTION CYCLE IN WHICH IT IS RECEIVED.

(B) CHECKS.

A CONTRIBUTION BY CHECK IS ATTRIBUTABLE TO THE ELECTION CYCLE IN WHICH THE CHECK IS ISSUED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-212(a)(3)(ii).

In this section, the former reference to "or transfer" is deleted as included in the defined term "contribution".

In subsection (a) of this section, the former phrase "[w]ithout regard to when a contribution or transfer is expended or used" is deleted as surplusage.

In subsection (b) of this section, the reference to the election cycle in which a check is "issued" is substituted for the former reference to the election cycle in which a check is "written or dated" for clarity.

Defined terms: "Contribution" § 1-101

"Election cycle" § 1-101

13-233. RIGHT OF INDIVIDUAL TO VOLUNTEER.

THIS PART V OF THIS SUBTITLE DOES NOT AFFECT THE RIGHT OF AN INDIVIDUAL TO:

(1) VOLUNTEER THE INDIVIDUAL'S TIME OR, FOR TRANSPORTATION INCIDENT TO AN ELECTION, PERSONAL VEHICLE; OR

(2) PAY REASONABLE LEGAL EXPENSES ASSOCIATED WITH MAINTAINING OR CONTESTING THE RESULTS OF AN ELECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-210(b)(2).

In the introductory language of this section, the former reference to "limit[ing]" rights is deleted as implicit in the reference to "affect[ing]" rights.

In item (1) of this section, the reference to an "individual" is substituted for the former reference to a "person" for clarity.

In item (2) of this section, the reference to "reasonable" legal expenses is substituted for the former reference to "proper" legal expenses for clarity.

Defined term: "Election" § 1-101

13-234. RESERVED.

PART VI. CONTRIBUTIONS -- PROHIBITIONS.

13-235. DURING GENERAL ASSEMBLY SESSION.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING OFFICIALS:

(1) THE GOVERNOR;

- (2) THE LIEUTENANT GOVERNOR;
- (3) THE ATTORNEY GENERAL;
- (4) THE COMPTROLLER; AND
- (5) A MEMBER OF THE GENERAL ASSEMBLY.

(B) PROHIBITION.

EXCEPT AS PROVIDED IN SUBSECTION (C) OR (D) OF THIS SECTION, DURING A REGULAR SESSION OF THE GENERAL ASSEMBLY AN OFFICIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, OR A PERSON ACTING ON BEHALF OF THE OFFICIAL, MAY NOT, AS TO A CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, OR A CAMPAIGN FINANCE ENTITY OF THE CANDIDATE:

- (1) RECEIVE A CONTRIBUTION;
- (2) CONDUCT A FUND-RAISING EVENT;
- (3) SOLICIT OR SELL A TICKET TO A FUND-RAISING EVENT; OR
- (4) DEPOSIT OR OTHERWISE USE ANY CONTRIBUTION REGARDLESS OF WHEN IT IS RECEIVED.

(C) EXCEPTION -- CANDIDATE FOR FEDERAL OR LOCAL GOVERNMENT OFFICE.

AN OFFICIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, OR A PERSON ACTING ON BEHALF OF THE OFFICIAL, IS NOT SUBJECT TO THIS SECTION WHEN ENGAGED IN ACTIVITIES SOLELY RELATED TO THE OFFICIAL'S ELECTION TO AN ELECTIVE FEDERAL OR LOCAL OFFICE FOR WHICH THE OFFICIAL IS A FILED CANDIDATE.

(D) SAME -- CONTRIBUTION FROM FAIR CAMPAIGN FINANCING FUND.

UNDER THE PUBLIC FINANCING ACT, A GUBERNATORIAL TICKET, DURING THE YEAR OF THE ELECTION ONLY, MAY ACCEPT ELIGIBLE PRIVATE CONTRIBUTIONS AND ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT IS BASED ON THE ELIGIBLE PRIVATE CONTRIBUTIONS.

(E) VIOLATIONS.

(1) AS TO A VIOLATION OF THIS SECTION, THE CAMPAIGN FINANCE ENTITY OF THE OFFICIAL IN VIOLATION IS LIABLE FOR A CIVIL PENALTY AS PROVIDED IN THIS SUBSECTION.

(2) THE STATE BOARD, REPRESENTED BY THE STATE PROSECUTOR, MAY INSTITUTE A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY SEEKING THE CIVIL PENALTY PROVIDED IN THIS SUBSECTION.

(3) A CAMPAIGN FINANCE ENTITY THAT RECEIVES A CONTRIBUTION AS A RESULT OF THE VIOLATION SHALL:

(I) REFUND THE CONTRIBUTION TO THE CONTRIBUTOR; AND

(II) PAY A CIVIL PENALTY THAT EQUALS THE SUM OF \$1,000 PLUS THE AMOUNT OF THE CONTRIBUTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-215.

Subsection (a) of this section is revised as a scope provision for clarity.

In subsection (a) of this section, the reference to "officials" is added for clarity. Similarly, in subsection (e)(1) of this section, the word "official" is substituted for the former reference to a "person", which presumably could have included a person "acting on behalf of" the official.

In subsections (b) and (e)(1) and (3) of this section, the defined term "campaign finance entity" is substituted for the former reference to a "committee", "political committee", and "authorized candidate campaign committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2) of this section, the former reference to conducting an event "to receive a contribution" is deleted as included in the reference to a "fund-raising event".

In subsection (b)(4) of this section, the injunction that certain persons may not deposit "or otherwise use" certain contributions is added for clarity to cover contributions other than money.

Also in subsection (b)(4) of this section, the phrase "regardless of when" is substituted for the former phrase "before the convening of the regular session" for clarity and accuracy.

In subsection (d) of this section, the reference to the "Public Financing Act" is substituted for the former reference to the "Fair Campaign Financing Act" to reflect the correct short title for the Act. *See* § 15-111 of this article.

Also in subsection (d) of this section, the term "gubernatorial ticket" is substituted for the former term "eligible candidate" for consistency with the terminology used in Title 15 of this article and because a gubernatorial ticket does not become an eligible ticket unless it first qualifies for that status under the Public Financing Act.

Also in subsection (d) of this section, the former reference to an eligible candidate that "has applied for and accepts a public contribution from the Fair Campaign Financing Fund" is deleted as surplusage.

In subsection (e)(3)(ii) of this section, the reference to a civil penalty "that equals the sum of \$1,000 plus" the amount of the contribution is substituted for the former reference to a civil penalty "of \$1,000 and the amount of the contribution" for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that former Art. 33, § 13-215(c), which is revised as subsection (e) of this section, is ambiguous. With regard to the fundraising activity of an elected official subject to this section, it is not clear whether the intent of the General Assembly was to provide that both the campaign finance entity of the elected official *and* the campaign finance entity that received the contribution be liable for the violation. If it was the intent of the General Assembly that *only* the campaign finance entity that received the suspect contribution be penalized, then the General Assembly may wish to repeal subsection (e)(1) of this section as surplusage. In addition, if it was intended that the campaign finance entity that received the contribution, the elected official, and the person acting on behalf of the official, be liable, then the General Assembly may wish to clarify that intent in subsection (e) of this section.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

"Election" § 1-101

"State Board" § 1-101

13-236. STATE FUNDED ENTITIES.

AN ENTITY THAT AT ANY TIME DURING AN ELECTION CYCLE DERIVES THE MAJORITY OF ITS OPERATING FUNDS FROM THE STATE MAY NOT MAKE A CONTRIBUTION TO ANY CAMPAIGN FINANCE ENTITY DURING THAT ELECTION CYCLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-212(c).

The phrase "make a contribution" is substituted for the former phrase "contribute any money or thing of value" for brevity and in light of the defined term "contribution". See § 1-101 of this article.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that former Art. 33, § 13-212(c), which is revised in this section, is ambiguous. For example, it is unclear whether it was the intent of the General Assembly to prohibit an entity that makes a contribution to a campaign finance entity in the first year of an election cycle from ever receiving the majority of its operating funds from the State during that election cycle. It is unclear whether the prohibition applies even if the entity does not know that it derives - or intends to derive - at the time the contribution is made, the majority of (or for that matter, any of) its

operating funds from the State. Alternatively, it may have been the intent of the General Assembly to prohibit the entity that derives the majority of its operating funds from the State from *thereafter* making a contribution to a campaign finance entity during any election cycle in which the entity derives the majority of its operating funds from the State. The General Assembly may wish to clarify this section.

Defined term: "Contribution" § 1-101

13-237. RESERVED.

13-238. RESERVED.

PART VII. CONTRIBUTIONS -- MISCELLANEOUS PROVISIONS.

13-239. ANONYMOUS CONTRIBUTIONS -- IN GENERAL.

EXCEPT AS PROVIDED IN § 13-240 OF THIS SUBTITLE, IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION FROM AN ANONYMOUS SOURCE, THE CAMPAIGN FINANCE ENTITY:

- (1) **MAY NOT USE THE CONTRIBUTION FOR ANY PURPOSE; AND**
- (2) **SHALL REMIT THE CONTRIBUTION TO THE STATE TREASURER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-206(c).

In the introductory language of this section, the references to a "campaign finance entity" are substituted for the former references to "any treasurer or any subtreasurer, or other persons or committee" for brevity and clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In items (1) and (2) of this section, the defined term "contribution" is substituted for the former reference to "money or other thing of value" for clarity.

In item (1) of this section, the former prohibition against the use of an anonymous contribution for a "political" purpose is deleted as implicit in the requirement, in item (2) of this section, that the campaign finance entity remit the contribution to the State Treasurer.

Defined terms: "Campaign finance entity" § 1-101

"Contribution" § 1-101

13-240. SAME -- MONEY RECEIVED FROM GAMING ACTIVITY.

- (A) **SCOPE.**

THIS SECTION APPLIES TO A SPIN OR CHANCE ON A PADDLE WHEEL OR WHEEL OF FORTUNE THAT IS AUTHORIZED UNDER THE LAWS OF THIS STATE TO OPERATE AT A CAMPAIGN FUND-RAISING EVENT.

(B) IN GENERAL.

NOTWITHSTANDING § 13-239 OF THIS SUBTITLE OR ANY OTHER LAW THAT PROHIBITS AN ANONYMOUS CONTRIBUTION, A POLITICAL COMMITTEE MAY ACCEPT, AND NEED NOT IDENTIFY THE INDIVIDUAL DONOR IN ITS ACCOUNT BOOK, THE MONEY RECEIVED FROM THE SALE OF A SPIN OR CHANCE IF:

(1) THE ACCOUNT BOOK OF THE POLITICAL COMMITTEE INCLUDES:

(I) THE NET AMOUNT RECEIVED BY THE POLITICAL COMMITTEE AT THE EVENT AT WHICH THE SALE WAS MADE; AND

(II) THE NAME AND ADDRESS OF EACH INDIVIDUAL WHO ATTENDED THE EVENT;

(2) NO SPIN OR CHANCE IS SOLD AT THE EVENT FOR MORE THAN \$2;

(3) THE NET INCOME OF THE SPONSORING POLITICAL COMMITTEE FROM SPINS AND CHANCES AT THE EVENT DOES NOT EXCEED \$1,500 IN A 24-HOUR PERIOD; AND

(4) THE TOTAL RECEIPTS OF THE SPONSORING POLITICAL COMMITTEE FROM SPINS AND CHANCES IN THAT ELECTION DO NOT EXCEED \$2,500.

(C) PROCEEDS IN EXCESS OF LIMITS.

IF A POLITICAL COMMITTEE RAISES FUNDS IN EXCESS OF A LIMIT SPECIFIED IN THIS SECTION, THE POLITICAL COMMITTEE SHALL:

(1) DONATE THE EXCESS TO A CHARITY OF ITS CHOICE; OR

(2) IDENTIFY IN ITS ACCOUNT BOOK THE AMOUNT RECEIVED FROM EACH INDIVIDUAL WHO PURCHASED A SPIN OR CHANCE.

(D) REGULATIONS.

THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-206(a)(3) through (5).

In the introductory language of subsection (b) of this section, the former reference to a "regulation" is deleted as included in the reference to "law".

Also in the introductory language of subsection (b) of this section, the reference to a "political committee" is substituted for the former reference to a "treasurer or subtreasurer" for consistency with the terminology in

this section. *See* General Revisor's Note to this title.

In subsection (b)(3) and (4) of this section, the former references to a "partisan organization" are deleted as included in the defined term "political committee". *See* § 1-101 of this article.

In subsection (c) of this section, the former reference to "receiv[ing] contributions" is deleted in light of the reference to "rais[ing] funds".

As to the laws of the State governing gaming activity authorized under this section, *see* Titles 12 and 13 of the Criminal Law Article (former Art. 27, §§ 261C, 261C-1, and 261D).

Defined terms: "Contribution" § 1-101

"Political committee" § 1-101

"State Board" § 1-101

13-241. EMPLOYEE PAYROLL DEDUCTIONS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AFFILIATED POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE AFFILIATED WITH AN EMPLOYEE MEMBERSHIP ENTITY.

(3) "EMPLOYEE MEMBERSHIP ENTITY" MEANS AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES EMPLOYEES OF AN EMPLOYER.

(B) IN GENERAL.

(1) AN EMPLOYER MAY ESTABLISH A PROGRAM FOR COLLECTING FROM EMPLOYEES BY MEANS OF PAYROLL DEDUCTIONS VOLUNTARY CONTRIBUTIONS TO ONE OR MORE CAMPAIGN FINANCE ENTITIES SELECTED BY THE EMPLOYER.

(2) IF AN EMPLOYER WITHHOLDS FROM EMPLOYEES BY PAYROLL DEDUCTION THE EMPLOYEES' DUES TO AN EMPLOYEE MEMBERSHIP ENTITY, THE EMPLOYEES MAY CONTRIBUTE BY PAYROLL DEDUCTION TO AN AFFILIATED POLITICAL ACTION COMMITTEE.

(C) SEPARATE ACCOUNT.

PERIODIC CONTRIBUTIONS COLLECTED BY PAYROLL DEDUCTIONS PURSUANT TO A PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE COMBINED AND ACCUMULATED IN A SEGREGATED ESCROW ACCOUNT MAINTAINED SOLELY FOR THAT PURPOSE.

(D) RECORDS.

(1) AN EMPLOYER SHALL KEEP DETAILED AND ACCURATE RECORDS OF ALL PAYROLL DEDUCTIONS MADE UNDER SUBSECTION (B)(1) OF THIS SECTION, INCLUDING:

- (I) THE NAME OF EACH CONTRIBUTOR;
- (II) THE DATE ON WHICH EACH CONTRIBUTION IS WITHHELD;
- (III) THE AMOUNT OF EACH CONTRIBUTION; AND
- (IV) THE DISPOSITION OF THE AMOUNTS WITHHELD.

(2) AN AFFILIATED POLITICAL ACTION COMMITTEE, IN CONJUNCTION WITH ITS EMPLOYEE MEMBERSHIP ENTITY AND THE EMPLOYER, SHALL KEEP DETAILED AND ACCURATE RECORDS OF ALL PAYROLL DEDUCTIONS THAT INCLUDE CONTRIBUTIONS RECEIVED UNDER SUBSECTION (B)(2) OF THIS SECTION, INCLUDING:

- (I) THE NAME OF EACH CONTRIBUTOR;
- (II) THE DATE ON WHICH EACH PAYROLL DEDUCTION WAS MADE;
- (III) THE TOTAL AMOUNT OF EACH PAYROLL DEDUCTION;
- (IV) THE AMOUNT OF THE PAYROLL DEDUCTION THAT CONSTITUTED A CONTRIBUTION;
- (V) THE DATE ON WHICH THE CONTRIBUTIONS WERE RECEIVED BY THE EMPLOYEE MEMBERSHIP ENTITY OR THE AFFILIATED POLITICAL ACTION COMMITTEE OR BOTH; AND
- (VI) THE DISPOSITION OF THE AMOUNTS WITHHELD.

(E) TRANSMITTAL OF CONTRIBUTIONS -- EMPLOYER PROGRAM.

WITHIN 3 MONTHS OF BEING WITHHELD, A CONTRIBUTION UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL BE TRANSMITTED, WITH THE INFORMATION RECORDED UNDER SUBSECTION (D)(1) OF THIS SECTION, TO A CAMPAIGN FINANCE ENTITY.

(F) SAME -- EMPLOYEE MEMBERSHIP ENTITIES.

(1) WITHIN 3 MONTHS OF BEING WITHHELD, A CONTRIBUTION UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE TRANSMITTED TO THE AFFILIATED POLITICAL ACTION COMMITTEE OR THE EMPLOYEE MEMBERSHIP ENTITY, TOGETHER WITH:

(I) THE INFORMATION RECORDED UNDER SUBSECTION (D)(2)(I) AND (II) OF THIS SECTION; AND

(II) AT THE EMPLOYER'S DISCRETION, THE INFORMATION RECORDED UNDER SUBSECTION (D)(2)(III) THROUGH (V) OF THIS SECTION.

(2) WITHIN 30 DAYS AFTER RECEIVING A CONTRIBUTION UNDER THIS SUBSECTION, AN EMPLOYEE MEMBERSHIP ENTITY SHALL TRANSMIT THE CONTRIBUTION TO ITS AFFILIATED POLITICAL ACTION COMMITTEE, TOGETHER WITH:

(I) THE INFORMATION RECORDED UNDER SUBSECTION (D)(2)(I) AND (II) OF THIS SECTION THAT IS RECEIVED FROM THE EMPLOYER; AND

(II) ANY INFORMATION RECORDED UNDER SUBSECTION (D)(2)(III) THROUGH (V) OF THIS SECTION THAT IS RECEIVED FROM THE EMPLOYER.

(G) SOLICITATION REQUIREMENTS.

IN SOLICITING AN EMPLOYEE TO MAKE A CONTRIBUTION BY PAYROLL DEDUCTION, AN EMPLOYER OR POLITICAL COMMITTEE SHALL INFORM THE EMPLOYEE OF:

(1) THE POLITICAL PURPOSES OF THE AFFILIATED POLITICAL ACTION COMMITTEE; AND

(2) THE EMPLOYEE'S RIGHT TO REFUSE TO CONTRIBUTE TO THE AFFILIATED POLITICAL ACTION COMMITTEE WITHOUT REPRISAL.

(H) PROHIBITED ACTS.

AN EMPLOYER MAY NOT RECEIVE OR USE MONEY OR ANYTHING OF VALUE UNDER THIS SECTION IF IT IS OBTAINED:

(1) BY ACTUAL OR THREATENED:

(I) PHYSICAL FORCE;

(II) JOB DISCRIMINATION; OR

(III) FINANCIAL REPRISAL; OR

(2) AS:

(I) A RESULT OF A COMMERCIAL TRANSACTION; OR

(II) DUES, FEES, OR OTHER ASSESSMENT REQUIRED AS A CONDITION OF MEMBERSHIP IN A LABOR ORGANIZATION OR EMPLOYMENT.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsections (b) through (h) of this section are new language derived without substantive change from former Art. 33, § 13-211.

In subsection (c) of this section, the reference to an "escrow" account is added for clarity.

Also in subsection (c) of this section, the phrase "maintained solely for that purpose" is added for clarity.

Also in subsection (c) of this section, the former reference to a "separate" account is deleted as redundant in light of the reference to a "segregated" escrow account.

In the introductory language of subsection (d)(1) of this section, the former requirement that an employer or political action committee "maintain" detailed, full, and accurate records is deleted as duplicative of the requirement to "keep" the records. Similarly, the former requirements that an employer or political action committee keep "full" records is deleted in light of the requirement to keep "detailed and accurate" records.

Also in the introductory language of subsection (d)(1) of this section, the former reference to withholding "from an employee's paycheck" is deleted in light of the reference to "payroll deductions". Similarly, in subsection (d)(2)(ii) of this section, the former reference to "employee member's payroll check" is deleted.

In subsection (d)(2)(iv) of this section, the phrase "the amount of the payroll deduction that constituted a" contribution is added for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that subsection (d)(2)(vi) of this section is ambiguous in that it is unclear as to the identity of the person being referenced with regard to the disposition of money that is withheld (*i.e.*, the affiliated political action committee?; the employee membership entity?).

In subsection (e) of this section, the cross-reference to "subsection (d)(1) of this section" is substituted for the former erroneous cross-reference to "subsection (b)(2)" for accuracy. The former cross-reference should have been "subsection (b)(1)".

Also in subsection (e) of this section, the reference to the defined term "campaign finance entity" is substituted for the former references to a "treasurer or subtreasurer, in their official capacity, of a candidate or a political committee, including a political action committee affiliated with the employer". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (f) of this section, the former reference to "account" is deleted as included in the reference to "affiliated political action committee".

In the introductory language of subsection (h) of this section, the phrase "under this section" is substituted for the former phrase "[f]or purposes of a payroll deduction for any contribution" for clarity.

Also in the introductory language of subsection (h) of this section, the former reference to "accumulate [or] transfer" money or anything of value is deleted in light of the reference to "receive".

In subsection (h)(2)(ii) of this section, the reference to dues, fees, or other "assessment" is substituted for the former reference to "money" for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that neither the notice requirements under subsection (g) of this section, nor the prohibitions under subsection (h) of this section, apply to an employee membership entity. This seems somewhat anomalous.

Defined terms: "Affiliated political action committee" § 13-241

"Campaign finance entity" § 1-101

"Contribution" § 1-101

"Employee membership entity" § 13-241

"Political action committee" § 1-101

13-242. COLLECTIONS BY MEMBERSHIP ENTITIES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "MEMBERSHIP ENTITY" MEANS AN ORGANIZATION THAT COLLECTS DUES FROM ITS MEMBERS.

(3) "AFFILIATED POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE AFFILIATED WITH A MEMBERSHIP ENTITY.

(B) COLLECTION OF CONTRIBUTIONS.

A MEMBERSHIP ENTITY MAY ESTABLISH A PROGRAM FOR PERIODICALLY COLLECTING FROM ITS MEMBERS AND ACCUMULATING VOLUNTARY CONTRIBUTIONS BY THE MEMBERS TO AN AFFILIATED POLITICAL ACTION COMMITTEE IF THOSE CONTRIBUTIONS ARE COLLECTED TOGETHER WITH:

(1) MEMBERSHIP DUES INVOICED AND COLLECTED BY THE MEMBERSHIP ENTITY; OR

(2) CONTRIBUTIONS BY THE MEMBERS TO A POLITICAL ACTION COMMITTEE ESTABLISHED UNDER FEDERAL LAW, IF THAT POLITICAL ACTION COMMITTEE IS ALSO AFFILIATED WITH THE MEMBERSHIP ENTITY.

(C) RECORD KEEPING.

A MEMBERSHIP ENTITY SHALL KEEP DETAILED AND ACCURATE RECORDS OF ALL CONTRIBUTIONS RECEIVED UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING:

- (1) THE NAME OF EACH CONTRIBUTOR;**
 - (2) THE DATE ON WHICH EACH CONTRIBUTION WAS RECEIVED;**
 - (3) THE AMOUNT OF EACH CONTRIBUTION; AND**
 - (4) THE DISPOSITION OF THE AMOUNTS HELD.**
- (D) TRANSMITTAL OF CONTRIBUTIONS.**

WITHIN 30 DAYS OF BEING RECEIVED, A CONTRIBUTION UNDER THIS SECTION SHALL BE TRANSMITTED, WITH THE INFORMATION RECORDED UNDER SUBSECTION (C)(1), (2), AND (3) OF THIS SECTION, TO ITS AFFILIATED POLITICAL ACTION COMMITTEE.

- (E) SOLICITATION REQUIREMENTS.**

IN SOLICITING A MEMBER, BY JOINT INVOICE FOR MEMBERSHIP DUES OR FOR A CONTRIBUTION TO AN AFFILIATED FEDERAL POLITICAL ACTION COMMITTEE, TO MAKE A CONTRIBUTION TO ITS AFFILIATED POLITICAL ACTION COMMITTEE, A MEMBERSHIP ENTITY SHALL INFORM THE MEMBER OF:

- (1) THE POLITICAL PURPOSES OF THE AFFILIATED POLITICAL ACTION COMMITTEE; AND**
- (2) THE MEMBER'S RIGHT TO REFUSE TO CONTRIBUTE TO THE POLITICAL ACTION COMMITTEE WITHOUT REPRISAL.**

- (F) PROHIBITED ACTS.**

AN EMPLOYEE MEMBERSHIP ENTITY OR ITS AFFILIATED POLITICAL ACTION COMMITTEE ENTITY MAY NOT RECEIVE OR USE MONEY OR ANYTHING OF VALUE UNDER THIS SECTION IF IT IS OBTAINED:

- (1) BY ACTUAL OR THREATENED:**
 - (I) PHYSICAL FORCE;**
 - (II) MEMBERSHIP DISCRIMINATION; OR**
 - (III) FINANCIAL OR PROFESSIONAL REPRISAL; OR**
- (2) AS DUES, FEES, OR OTHER ASSESSMENT REQUIRED AS A CONDITION OF MEMBERSHIP.**

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 33, § 13-211.1.

In subsection (c) of this section, the former requirement that an affiliated entity "maintain" detailed, full, and accurate records is deleted as duplicative of the requirement to "keep" the records. Similarly, the former requirement that an affiliated entity keep "full" records is deleted in light of the requirement that the affiliated entity keep "detailed" records.

In subsection (d) of this section, the reference to "subsection (c)(1), (2), and (3) of this section" is substituted for the former reference to "subsection (b) of this section" for clarity and accuracy.

In the introductory language of subsection (f) of this section, the former reference to "accumulate, transfer," is deleted in light of the reference to "receive".

Subsection (f) of this section omits the prohibition against an employer receiving or using money or anything of value that is obtained as a result of a commercial transaction, while § 13-241(h)(2)(i) of this subtitle encompasses such a prohibition.

In subsection (f)(2) of this section, the reference to dues, fees, or other "assessment" is substituted for the former reference to "money" for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that subsection (f) of this section is not parallel to the similar prohibitions under § 13-241(h) of this subtitle.

Defined terms: "Affiliated political action committee" § 13-242

"Campaign finance entity" § 1-101

"Contribution" § 1-101

"Membership entity" § 13-242

"Political action committee" § 1-101

13-243. RESERVED.

13-244. RESERVED.

PART VIII. EXPENDITURES -- MISCELLANEOUS PROVISIONS.

13-245. PROHIBITED EXPENDITURES.

(A) DEFINITIONS.

IN THIS SECTION, "WALK-AROUND SERVICES" MEANS THE FOLLOWING ACTIVITIES IF PERFORMED FOR MONEY WHILE THE POLLS ARE OPEN:

(1) DISTRIBUTING CAMPAIGN MATERIAL;

- (2) STATIONING A PERSON, INCLUDING ONESELF, OR AN OBJECT IN THE PATH OF A VOTER;
- (3) ELECTIONEERING OR CANVASSING AS DESCRIBED IN § 16-206 OF THIS ARTICLE;
- (4) COMMUNICATING IN ANY OTHER MANNER A VOTING PREFERENCE OR CHOICE; OR
- (5) PERFORMING ANY OTHER SERVICE AS A POLL WORKER OR DISTRIBUTOR OF SAMPLE BALLOTS.

(B) SCOPE.

THIS SECTION DOES NOT APPLY TO:

- (1) MEALS, BEVERAGES, AND REFRESHMENTS SERVED TO CAMPAIGN WORKERS;
- (2) SALARIES OF REGULARLY EMPLOYED PERSONNEL IN CAMPAIGN HEADQUARTERS;
- (3) MEDIA ADVERTISING, INCLUDING NEWSPAPER, RADIO, TELEVISION, BILLBOARD, OR AERIAL ADVERTISING;
- (4) RENT AND REGULAR OFFICE EXPENSES; OR
- (5) THE COST OF TELEPHONING VOTERS OR TRANSPORTING VOTERS TO AND FROM POLLING PLACES.

(C) PROHIBITION.

A CAMPAIGN FINANCE ENTITY, OR A PERSON ACTING ON ITS BEHALF, MAY NOT AT ANY TIME, DIRECTLY OR INDIRECTLY, PAY OR INCUR AN OBLIGATION TO PAY, AND A PERSON MAY NOT, DIRECTLY OR INDIRECTLY, RECEIVE ANY MONEY OR THING OF VALUE, FOR:

- (1) A POLITICAL ENDORSEMENT; OR
- (2) WALK-AROUND SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-209.

In subsection (a) of this section, the former references to activities performed "on the day of the election" are deleted in light of the reference to activities performed "while the polls are open".

In subsection (a)(1) of this section, the former reference to distributing campaign material to "any person" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to stationing a person "including oneself" in the path of a voter is added for clarity.

In subsection (a)(4) of this section, the reference to walk-around services as including communicating a voting preference in any "other" manner is added for clarity.

In subsection (b)(3) of this section, the former reference to media advertising as including "but not limited to" certain communication methods is deleted as unnecessary in light of Art. 1, § 30.

In subsection (c) of this section, the defined term "campaign finance entity" is substituted for the former references to "candidate, slate of candidates, political committee, [or] political party" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Sample ballot" § 1-101

13-246. PRESENTATION OF STATEMENT OF MONEY DUE.

A PERSON WHO CLAIMS THAT MONEY IS DUE FROM A CAMPAIGN FINANCE ENTITY SHALL PRESENT A CLAIM FOR PAYMENT TO THE TREASURER OR SUBTREASURER NOT LATER THAN 30 DAYS AFTER THE ELECTION FOR WHICH THE LIABILITY WAS INCURRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-205(b).

The reference to a claim that money is due from a "campaign finance entity" is substituted for the former reference to money owing by a "treasurer or subtreasurer" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

The reference to a "claim for payment" is substituted for the former reference to a "statement" to avoid confusion with the defined term "campaign finance report". *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Election" § 1-101

"Treasurer" § 1-101

13-247. DISPOSITION OF SURPLUS FUNDS.

AFTER ALL CAMPAIGN EXPENDITURES HAVE BEEN MADE AND BEFORE FILING A FINAL CAMPAIGN FINANCE REPORT UNDER SUBTITLE 3 OF THIS TITLE, ANY REMAINING BALANCE IN THE ACCOUNT OF A CAMPAIGN FINANCE ENTITY SHALL BE RETURNED PRO RATA TO THE CONTRIBUTORS OR PAID TO:

(1) IF THE CAMPAIGN FINANCE ENTITY IS A PERSONAL TREASURER OR A POLITICAL COMMITTEE FORMED TO SUPPORT A CANDIDATE OR ACT FOR A POLITICAL PARTY:

(I) THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY:

1. OF WHICH THE CANDIDATE IS A MEMBER; OR
2. FOR WHICH THE POLITICAL COMMITTEE IS ACTING;

(II) THE LOCAL CENTRAL COMMITTEE OF THE POLITICAL PARTY:

1. OF WHICH THE CANDIDATE IS A MEMBER IN A COUNTY IN WHICH THE CANDIDATE RESIDES OR WHICH THE CANDIDATE SEEKS TO REPRESENT;
OR

2. FOR WHICH THE POLITICAL COMMITTEE IS ACTING;

(III) THE BOARD OF EDUCATION OF A COUNTY IN WHICH THE CANDIDATE RESIDES OR WHICH THE CANDIDATE SEEKS TO REPRESENT;

(2) A NONPROFIT ORGANIZATION THAT PROVIDES SERVICES OR FUNDS FOR THE BENEFIT OF PUPILS OR TEACHERS;

(3) A CHARITABLE ORGANIZATION REGISTERED OR EXEMPT FROM REGISTRATION UNDER THE MARYLAND CHARITABLE SOLICITATIONS ACT; OR

(4) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION IN THE STATE IF:

(I) THAT INSTITUTION POSSESSES A CERTIFICATE OF APPROVAL FROM THE MARYLAND HIGHER EDUCATION COMMISSION; AND

(II) THE PAYMENT IS DESIGNATED FOR USE BY THE INSTITUTION SOLELY TO AWARD SCHOLARSHIPS, GRANTS, OR LOANS TO STUDENTS ATTENDING THE INSTITUTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-206(d).

In the introductory language of this section, the phrase "remaining balance" is substituted for the former reference to "surplus funds" for clarity.

Also in the introductory language of this section, as to the substitution of the defined term "campaign finance report" for the former reference to a "report", *see* General Revisor's Note to this title and § 1-101 of this article.

The introductory language to item (1) of this section is new language added for clarity.

In item (1)(iii) of this section, the reference to the board of education "of a county in which the candidate resides or which the candidate seeks to represent" is substituted for the former reference to the "local board of education" for clarity.

In item (2) of this section, the former reference to a "recognized" nonprofit organization is deleted because the term is not tied to any meaningful, definable standard.

In item (4)(ii) of this section, the reference to money transferred to an institution for payments "designated for use by the institution solely" for financial aid is substituted for the former reference to money transferred "to be used by that institution" for financial aid for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Candidate" § 1-101

"Expenditure" § 1-101

"Political committee" § 1-101

"Political party" § 1-101

SUBTITLE 3. GENERAL REPORTING REQUIREMENTS.

PART I. GENERAL PROVISIONS.

13-301. APPLICATION.

IN THIS SUBTITLE, THE PROVISIONS THAT APPLY TO A "CAMPAIGN FINANCE ENTITY" ALSO APPLY TO A CAMPAIGN ENTITY LOCATED OUTSIDE THE STATE WITH REGARD TO ALL EXPENDITURES WITHIN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(h) and the second sentence of § 13-202(b).

The defined term "campaign finance entity" is substituted for the former references to "any committees" and "all committees and treasurers for candidates for public or party office" for brevity and consistency with the other provisions of this title. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Expenditure" § 1-101

13-302. RESERVED.

13-303. RESERVED.

PART II. REPORTING REQUIREMENTS.

13-304. REPORTS TO THE STATE BOARD OR A LOCAL BOARD.

(A) REQUIREMENT.

FROM THE DATE OF ITS ORGANIZATION UNTIL ITS TERMINATION UNDER THE PROVISIONS OF THIS TITLE, A CAMPAIGN FINANCE ENTITY, EXCEPT A POLITICAL CLUB, SHALL FILE A CAMPAIGN FINANCE REPORT AT THE TIMES, FOR THE PERIODS, AND AT THE LOCATIONS REQUIRED BY §§ 13-309, 13-312, AND 13-315 OF THIS SUBTITLE.

(B) CONTENT.

A CAMPAIGN FINANCE REPORT FILED BY A CAMPAIGN FINANCE ENTITY UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE INFORMATION REQUIRED BY THE STATE BOARD WITH RESPECT TO ALL CONTRIBUTIONS RECEIVED AND ALL EXPENDITURES MADE BY OR ON BEHALF OF THE CAMPAIGN FINANCE ENTITY DURING THE DESIGNATED REPORTING PERIOD.

(C) CONTINUING REQUIREMENT FOR CANDIDATES.

A CAMPAIGN FINANCE REPORT PRESCRIBED BY THIS SUBTITLE FOR THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS REQUIRED WHETHER OR NOT:

- (1) THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY;**
- (2) THE CANDIDATE WITHDRAWS, DECLINES A NOMINATION, OR OTHERWISE CEASES TO BE A CANDIDATE;**
- (3) THE CANDIDATE'S NAME APPEARS ON THE PRIMARY BALLOT; OR**
- (4) THE CANDIDATE IS SUCCESSFUL IN THE ELECTION.**

REVISOR'S NOTE: Subsections (a), (b), and (c)(2) through (4) of this section are new language derived without substantive change from former Art. 33, § 13-401(a), (d)(1), and (e), as they related to the requirement that campaign finance entities file certain campaign finance reports.

Subsection (c)(1) of this section is new language added for clarity and completeness because, under current law, an individual may be deemed a "candidate" even though the individual may never actually file a certificate of candidacy. See § 1-101 of this article.

Throughout this section, the defined term "campaign finance report" is added. See General Revisor's Note to this title.

In subsection (a) of this section, the clause "[f]rom the date of its organization until its termination under the provisions of this title" is added for clarity.

Also in subsection (a) of this section, the defined term "campaign finance entity" is substituted for the former references to "candidate", "treasurer", "chairman and ... treasurer", and "chairmen and ... treasurers" for clarity and consistency with the other provisions of this title. *See* General Revisor's Note to this title and § 1-101 of this article.

Also in subsection (a) of this section, the former reference to a candidate "for nomination or election to public or party office," is deleted. *See* General Revisor's Note to this title.

In subsection (b) of this section, the reference to the "designated reporting period" is substituted for the former reference to the period "through and including the seventh day immediately preceding the day by which that report is to be filed" in light of the revision of the designated reporting periods under § 13-312 of this subtitle.

Also in subsection (b) of this section, the former references to contributions and expenditures "by the candidate himself or, with the knowledge of the candidate, by any other person or groups of persons" and to a "complete" campaign report are deleted in light of the reference to "all" contributions received and expenditures made "by or on behalf of" the campaign finance entity.

In subsection (c)(2) of this section, the reference to a candidate who "declines a nomination" is added for clarity and consistency with the other provisions of this article.

Also in subsection (c)(2) of this section, the reference to a candidate who "otherwise ceases to be a candidate" is added for clarity and to acknowledge the possibility that a candidate may die or be disqualified. *See* Title 5 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Contribution" § 1-101

"Expenditure" § 1-101

"State Board" § 1-101

13-305. EXCEPTIONS TO FILING REQUIREMENTS.

(A) PERSONAL TREASURER -- LIMITED FUND-RAISING ACTIVITY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CAMPAIGN FINANCE ENTITY THAT IS A PERSONAL TREASURER IS NOT REQUIRED TO FILE THE CAMPAIGN FINANCE REPORTS PRESCRIBED BY § 13-304 OF THIS SUBTITLE IF THE RESPONSIBLE OFFICERS FILE AN AFFIDAVIT:

(I) ON OR BEFORE THE DAY WHEN THE FIRST CAMPAIGN FINANCE REPORT IS DUE; AND

(II) STATING THAT THE PERSONAL TREASURER ACCOUNT DOES NOT INTEND EITHER TO RAISE CONTRIBUTIONS IN THE CUMULATIVE AMOUNT OF \$1,000 OR MORE OR, EXCLUSIVE OF THE FILING FEE, MAKE EXPENDITURES IN THE CUMULATIVE AMOUNT OF \$1,000 OR MORE.

(2) IF THE PERSONAL TREASURER ACCOUNT RECEIVES CUMULATIVE CONTRIBUTIONS OF \$1,000 OR MORE OR MAKES CUMULATIVE EXPENDITURES OF \$1,000 OR MORE, THE PERSONAL TREASURER ACCOUNT SHALL FILE ALL SUBSEQUENT CAMPAIGN FINANCE REPORTS PRESCRIBED BY THIS SUBTITLE.

(3) A VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION CONSTITUTES A FAILURE TO FILE BY THE CAMPAIGN FINANCE ENTITY, AND THE RESPONSIBLE OFFICERS ARE GUILTY OF A MISDEMEANOR AND ON CONVICTION ARE SUBJECT TO THE PENALTIES PRESCRIBED UNDER PART VII OF THIS TITLE.

(B) CONTINUING POLITICAL COMMITTEE -- NO FUND-RAISING ACTIVITY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN AN ELECTION YEAR A CONTINUING POLITICAL COMMITTEE IS NOT REQUIRED TO FILE THE CAMPAIGN FINANCE REPORTS PRESCRIBED BY § 13-304 OF THIS SUBTITLE IF THE RESPONSIBLE OFFICERS FILE AN AFFIDAVIT:

(I) ON OR BEFORE THE DAY WHEN THE FIRST CAMPAIGN FINANCE REPORT IS DUE; AND

(II) STATING THAT THE CONTINUING POLITICAL COMMITTEE, WITH RESPECT TO EACH ELECTION TO BE HELD IN THAT YEAR:

1. HAS NOT RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES SINCE THE CLOSING DATE OF ITS LAST CAMPAIGN FINANCE REPORT; AND

2. DOES NOT INTEND TO RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES.

(2) THE CONTINUING POLITICAL COMMITTEE SHALL FILE THE CAMPAIGN FINANCE REPORT REQUIRED UNDER § 13-309(A)(3) OF THIS SUBTITLE.

(3) IF THE CONTINUING POLITICAL COMMITTEE RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES IN CONNECTION WITH AN ELECTION IN THAT YEAR, THE CONTINUING POLITICAL COMMITTEE SHALL:

(I) NOTIFY THE STATE BOARD IN WRITING WITHIN 14 DAYS; AND

(II) FILE ALL SUBSEQUENT CAMPAIGN FINANCE REPORTS PRESCRIBED BY THIS SUBTITLE.

(4) A VIOLATION OF PARAGRAPH (3) OF THIS SUBSECTION IS A FAILURE TO FILE BY THE CAMPAIGN FINANCE ENTITY, AND THE RESPONSIBLE OFFICERS ARE GUILTY OF A MISDEMEANOR AND ON CONVICTION ARE SUBJECT TO THE PENALTIES PRESCRIBED UNDER PART VII OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a)(8) and (d)(2).

Throughout this section, the defined term "campaign finance report[s]" is substituted for the former references to "form prescribed by the State Board", a "report", "reports", "scheduled reports", and "annual reports". *See* General Revisor's Note to this title and § 1-101 of this article.

Also throughout this section, the defined term "continuing political committee" is substituted for the former references to "political committee which continues in existence from year to year". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(1) of this section, the former reference to using the "form prescribed by the State Board" is deleted as included in the defined term "campaign finance report". *See* § 1-101 of this article.

In subsections (a)(3) and (b)(4) of this section, the references to the penalties prescribed under "Part VII" of this title are added for clarity and to make the provisions regarding a show cause order under § 13-335 of this subtitle applicable under this section, which presumably is the intent of the General Assembly.

In subsection (b)(1)(i) of this section, the former requirement that the "State Administrator" prescribe the form of an affidavit by regulation is deleted for consistency with § 2-202 of this article which grants general rulemaking authority under the State election laws to the State Board.

In subsection (b)(1)(ii)1 of this section, the reference to "receiv[ing] contributions or mak[ing] expenditures" is substituted for the former reference to "raising or spending money" for clarity and accuracy.

In subsection (b)(3) of this section, the former reference to a notice "that the committee has resumed receiving contributions or making expenditures" is deleted as surplusage.

In subsection (b)(4) of this section, the reference to a "misdemeanor" is added for clarity and as implicit in the reference in former Art. 33, § 13-401(d)(2)(iii) to the "penalties prescribed in §§ 13-402 and 13-403 of this subtitle".

Defined terms: "Campaign finance report" § 1-101

"Continuing political committee" § 1-101

"Contribution" § 1-101

"Election" § 1-101

"Expenditure" § 1-101

"Responsible officer" § 1-101

"State Board" § 1-101

13-306. REPORTS TO CAMPAIGN FINANCE ENTITIES OF CANDIDATES.

(A) REQUIREMENT.

REGARDLESS OF THE PURPOSE FOR WHICH A POLITICAL COMMITTEE IS FORMED, IF THE POLITICAL COMMITTEE DIRECTLY OR INDIRECTLY SPENDS \$51 OR MORE TO AID OR OPPOSE THE NOMINATION OR ELECTION OF A CANDIDATE, A CAMPAIGN FINANCE REPORT SHALL BE SUBMITTED IN ACCORDANCE WITH THIS SECTION.

(B) FORM AND SUBMISSION.

THE CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS SECTION SHALL BE:

(1) SIGNED BY:

(I) THE TREASURER OF A POLITICAL COMMITTEE OTHER THAN A POLITICAL CLUB; OR

(II) AN OFFICER OF A POLITICAL CLUB; AND

(2) SUBMITTED TO THE TREASURER OF THE CAMPAIGN FINANCE ENTITY THAT WAS AIDED.

(C) DUTY OF CAMPAIGN FINANCE ENTITY RECEIVING STATEMENT.

A CAMPAIGN FINANCE ENTITY THAT RECEIVES A CAMPAIGN FINANCE REPORT SUBMITTED UNDER THIS SECTION SHALL FILE THAT REPORT WITH THE CAMPAIGN FINANCE REPORT IT FILES UNDER § 13-304 OF THIS SUBTITLE.

(D) POLITICAL CLUB -- LIMITATION.

THIS SECTION DOES NOT REQUIRE A POLITICAL CLUB TO REPORT ANY EXPENDITURE OTHER THAN A CONTRIBUTION OF MONEY TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-202(b).

Throughout this section, the defined term "campaign finance report" is substituted for the former reference to a "statement of contributions and expenditures". Similarly, in subsections (b) and (c) of this section, the defined term "campaign finance entity" is substituted for the former reference to a "committee", "treasurer of the committee", and "treasurer of the candidate". See General Revisor's Note to this title and § 1-101 of this article and, in subsection (d) of this section, the reference to a "campaign finance entity" of a candidate is added because all campaign finance

activity must be conducted through a campaign finance entity. *See* § 13-202 of this title.

The former requirement governing a political committee "located outside of the State of Maryland" is revised in § 13-301 of this subtitle.

In subsection (a) of this section, the reference to "a political committee" is substituted for the former reference to "committees" for clarity.

In subsection (c) of this section, the reference to the duty of the "campaign finance entity" to file a certain campaign finance report is substituted for the former reference to the duty of the "treasurer" for clarity and consistency with the other provisions of this subtitle.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that, based on information from the State Board, the requirement under this section, that the specified entities submit a campaign finance report to the campaign finance entity aided by the contributions or expenditures, is generally ignored. The Election Law Article Review Committee calls this practice to the attention of the General Assembly.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Political committee" § 1-101

"Treasurer" § 1-101

13-307. RESERVED.

13-308. RESERVED.

PART III. DEADLINES AND REPORTING PERIODS.

13-309. FILING DEADLINES -- IN GENERAL.

(A) FILING SCHEDULE -- ALL CAMPAIGN FINANCE ENTITIES.

SUBJECT TO OTHER PROVISIONS OF THIS SUBTITLE, A CAMPAIGN FINANCE ENTITY SHALL FILE CAMPAIGN FINANCE REPORTS AS FOLLOWS:

(1) EXCEPT FOR A BALLOT ISSUE COMMITTEE, ON OR BEFORE THE FOURTH TUESDAY IMMEDIATELY PRECEDING A PRIMARY ELECTION;

(2) EXCEPT FOR A BALLOT ISSUE COMMITTEE, ON OR BEFORE THE SECOND FRIDAY IMMEDIATELY PRECEDING AN ELECTION; AND

(3) ON OR BEFORE THE THIRD TUESDAY AFTER A GENERAL ELECTION.

(B) ADDITIONAL DEADLINES -- CAMPAIGN FINANCE ENTITIES OTHER THAN CONTINUING POLITICAL COMMITTEES.

(1) THIS SUBSECTION DOES NOT APPLY TO A CONTINUING POLITICAL COMMITTEE.

(2) A CAMPAIGN FINANCE ENTITY IS SUBJECT TO SUBSECTION (A) OF THIS SECTION AND THIS SUBSECTION ONLY AS TO THE ELECTION FOR WHICH THE ENTITY WAS FORMED.

(3) IN ADDITION TO THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, BUT SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A CAMPAIGN FINANCE ENTITY SHALL FILE CAMPAIGN FINANCE REPORTS AS FOLLOWS:

(I) ON OR BEFORE THE DAY THAT IS 6 MONTHS AFTER THE GENERAL ELECTION;

(II) ON OR BEFORE THE DAY THAT IS 1 YEAR AFTER THE GENERAL ELECTION; AND

(III) ANNUALLY ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

(4) IF A CAMPAIGN FINANCE ENTITY HAS NEITHER A CASH BALANCE NOR AN OUTSTANDING OBLIGATION AT THE END OF A REPORTING PERIOD, A CAMPAIGN FINANCE REPORT FOR THAT PERIOD, CLEARLY MARKED AS "FINAL", SHALL BE FILED ON OR BEFORE THE DUE DATE, AND NO FURTHER REPORT IS REQUIRED.

(C) SAME -- CONTINUING POLITICAL COMMITTEES.

IN ADDITION TO THE CAMPAIGN REPORTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, A CONTINUING POLITICAL COMMITTEE, IN A YEAR WITHOUT A STATEWIDE GENERAL ELECTION, SHALL FILE A CAMPAIGN FINANCE REPORT ON OR BEFORE THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(b), (a)(1) through (7), (d)(1), and the first sentence of (e).

Throughout this section, the defined term "campaign finance report[s]" is substituted for the former reference to "reports" and "report or statement" for clarity. See General Revisor's Note to this title and § 1-101 of this article. Similarly, the reference to a "campaign finance entity" is added.

In subsection (a)(1) and (2) of this section, the phrase "except for a ballot issue committee" is added for clarity and consistency with the practice of the State Board.

In subsection (b)(3)(iii) of this section, the reference to the filing of a campaign report on "the Tuesday after the first Monday in November" is substituted for the former reference to "annually on the anniversary of the general election" and "on November 8 of each year" for clarity and for consistency with other provisions of this subtitle and to harmonize the similar reporting dates in former § 13-401(a)(6) and (b)(1). Similarly, in subsection (c) of this section, the reference to a filing "on or before the Tuesday after the first Monday in November" is substituted for the former reference to "the anniversary of the date of the last general election" for clarity, consistency, and certainty.

In subsection (b)(4) of this section, the phrase "and no further report is required" is added for clarity and certainty.

Defined terms: "Ballot issue committee" § 1-101

"Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Continuing political committee" § 1-101

"Election" § 1-101

13-310. SAME -- FINAL REPORT REQUIRED.

(A) APPLICABILITY.

THIS SECTION APPLIES TO THE CAMPAIGN FINANCE ENTITY OF AN INDIVIDUAL IF:

(1) THE INDIVIDUAL IS NOT A FILED CANDIDATE OR THE INCUMBENT IN ANY OFFICE FILLED BY AN ELECTION UNDER THIS ARTICLE; AND

(2) THE ENTITY HAS FUNDS REMAINING AFTER THE PAYMENT OF ALL OUTSTANDING DEBTS AND OTHER OBLIGATIONS.

(B) REQUIREMENT.

A CAMPAIGN FINANCE ENTITY SHALL TERMINATE AND FILE A FINAL CAMPAIGN FINANCE REPORT WITHIN 8 YEARS AFTER THE LATEST OF:

(1) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF OFFICE;

(2) THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS A FILED CANDIDATE; AND

(3) THE PAYMENT OF THE FINAL DEBT OR OTHER OBLIGATION OF THE ENTITY THAT WAS INCURRED IN CONNECTION WITH THAT CANDIDACY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a-1)(1) and (2).

Throughout this section, the defined term "campaign finance entity" is

substituted for the former references to "campaign accounts of the individual", "political committee", and "person" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsections (a)(1) and (b)(2) of this section, the reference to a "filed" candidate is added for clarity.

In subsection (a)(1) of this section, the former reference to a candidate "for election to public or party office" is deleted. *See* General Revisor's Note to this title.

Also in subsection (a)(1) of this section, the reference to a candidate or incumbent "in any office filled by an election under this article" is added for clarity. Similarly, in subsection (b)(3) of this section, the reference to "other obligation" is substituted for the former reference to "deficit".

In subsection (a)(2) of this section, the reference to "other obligations" is substituted for the former reference to "deficits" for clarity.

Also in subsection (a)(2) of this section, the former reference to debts and other obligations "in connection with an election campaign" is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to a deficit "in connection with the campaign that is payable" from the account of a campaign finance entity is deleted. The Election Law Article Review Committee calls this deletion to the attention of the General Assembly.

In the introductory language of subsection (b) of this section, the defined term "campaign finance report" is substituted for the former reference to a "report". *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Candidate" § 1-101

"Election" § 1-101

13-311. FINAL REPORT -- DISPOSAL OF FUNDS.

BEFORE A CAMPAIGN FINANCE ENTITY FILES A FINAL CAMPAIGN FINANCE REPORT, THE ENTITY SHALL PAY ALL OUTSTANDING OBLIGATIONS AND DISPOSE OF ALL OF ITS REMAINING ASSETS IN ACCORDANCE WITH § 13-246 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a-1)(3).

In this section, the phrase "pay all outstanding obligations" is added for clarity and accuracy.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

13-312. REPORTING PERIODS.

CAMPAIGN FINANCE REPORTS FILED UNDER § 13-304 OF THIS SUBTITLE SHALL COVER THE FOLLOWING REPORTING PERIODS:

(1) THE FIRST CAMPAIGN FINANCE REPORT SHALL COVER THE PERIOD FROM THE DATE OF ORGANIZATION OF THE CAMPAIGN FINANCE ENTITY THROUGH THE DAY SPECIFIED IN ITEM (3) OF THIS SECTION;

(2) EACH SUBSEQUENT CAMPAIGN FINANCE REPORT SHALL COVER THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS CAMPAIGN FINANCE REPORT THROUGH THE DAY SPECIFIED IN ITEM (3) OF THIS SECTION;

(3) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, EACH CAMPAIGN FINANCE REPORT SHALL COVER THE PERIOD THAT INCLUDES THE SEVENTH DAY BEFORE THE DAY THE CAMPAIGN FINANCE REPORT IS DUE;

(II) THE CAMPAIGN FINANCE REPORT THAT IS REQUIRED ON OR BEFORE THE SECOND FRIDAY IMMEDIATELY PRECEDING AN ELECTION SHALL COVER THE PERIOD THROUGH AND INCLUDING THE PRECEDING SUNDAY; AND

(4) IF NO CONTRIBUTION IS RECEIVED AND NO EXPENDITURE IS MADE DURING THE PERIOD COVERED BY A CAMPAIGN FINANCE REPORT, THE CAMPAIGN FINANCE ENTITY SHALL FILE A CAMPAIGN FINANCE REPORT TO THAT EFFECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a), as it related to the periods covered for the filing of campaign finance reports.

Throughout this section, the defined terms "campaign finance entity" and "campaign finance report" are added. See General Revisor's Note to this title and § 1-101 of this article.

In item (4) of this section, the reference to a contribution that "is received" is added for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Contribution" § 1-101

"Expenditure" § 1-101

13-313. TERMINATION OF CAMPAIGN FINANCE ENTITY BY THE STATE BOARD.

(A) IN GENERAL.

THE STATE BOARD MAY TERMINATE A CAMPAIGN FINANCE ENTITY IF THE STATE BOARD DETERMINES THAT GOOD CAUSE EXISTS AND THAT:

(1) THE CAMPAIGN FINANCE ENTITY COULD BE TERMINATED UNDER § 13-309(B)(4) OF THIS SUBTITLE EXCEPT FOR THE EXISTENCE OF ONE OR MORE

OUTSTANDING OBLIGATIONS AND EACH OF THOSE OBLIGATIONS IS MORE THAN 5 YEARS OLD;

(2) NO RESPONSIBLE OFFICER CURRENTLY IS APPOINTED AND SERVING; OR

(3) OTHER EXTENUATING CIRCUMSTANCES EXIST TO JUSTIFY TERMINATING THE CAMPAIGN FINANCE ENTITY.

(B) ENFORCEMENT ACTIONS UNAFFECTED.

THE TERMINATION OF A CAMPAIGN FINANCE ENTITY UNDER THIS SECTION DOES NOT LIMIT THE RIGHT OF:

(1) THE STATE BOARD, OR THE STATE PROSECUTOR OR THE STATE'S ATTORNEY, TO PURSUE AN ENFORCEMENT ACTION AGAINST THE FORMER RESPONSIBLE OFFICERS OF, OR ANY CANDIDATE FORMERLY AFFILIATED WITH, THE CAMPAIGN FINANCE ENTITY; OR

(2) A CREDITOR TO BRING AN ACTION AGAINST THE FORMER RESPONSIBLE OFFICERS OF, OR ANY CANDIDATE AFFILIATED WITH, THE CAMPAIGN FINANCE ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a-2).

Throughout this section, the defined term "campaign finance entity" is substituted for the former reference to "campaign account" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsections (a)(2) and (b)(1) and (2) of this section, the defined term "responsible officer[s]" is substituted for the former reference to an "officer" for clarity. *See* § 1-101 of this article.

In the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding subsection (a-1) of this section," is deleted as surplusage.

In subsection (a)(1) of this section, the reference to "the existence of one or more" obligations is added for clarity and accuracy. Similarly, the phrase "and each of those obligations is" more than 5 years old is added.

Also in subsection (a)(1) of this section, the reference to the campaign finance entity being able to be "terminated under § 13-309(b)(4) of this subtitle" is substituted for the former reference to "[a]n officer affiliated with the campaign account" being able to close the campaign account for clarity.

In subsection (b)(1) of this section, the reference to "the State's Attorney" is added for accuracy and consistency with § 13-603 of this title.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Responsible officer" § 1-101

"State Board" § 1-101

13-314. RESERVED.

13-315. RESERVED.

PART IV. PLACE OF FILING.

13-316. FILING LOCATION.

A CAMPAIGN FINANCE REPORT REQUIRED BY § 13-304 OF THIS SUBTITLE SHALL BE FILED WITH ONE OR MORE BOARDS, AS FOLLOWS:

(1) FOR A PERSONAL TREASURER, WITH THE BOARD WHERE THE CERTIFICATE OF CANDIDACY OF THE CANDIDATE IS FILED;

(2) FOR A CONTINUING POLITICAL COMMITTEE, WITH THE STATE BOARD; AND

(3) FOR EACH POLITICAL COMMITTEE OTHER THAN A CONTINUING POLITICAL COMMITTEE, WITH:

(I) THE STATE BOARD, IF THE POLITICAL COMMITTEE HAS SUPPORTED OR OPPOSED A CANDIDATE WHOSE CERTIFICATE OF CANDIDACY IS FILED WITH THE STATE BOARD;

(II) THE STATE BOARD, IF THE POLITICAL COMMITTEE HAS PROMOTED THE SUCCESS OR DEFEAT OF A POLITICAL PARTY OR ANY QUESTION TO BE SUBMITTED TO A VOTE AT AN ELECTION IN ALL OR PART OF MORE THAN ONE COUNTY;

(III) THE LOCAL BOARD OF A COUNTY, IF THE POLITICAL COMMITTEE HAS SUPPORTED OR OPPOSED A CANDIDATE WHOSE CERTIFICATE OF CANDIDACY IS FILED WITH THAT BOARD; AND

(IV) THE LOCAL BOARD OF A COUNTY, IF THE POLITICAL COMMITTEE HAS PROMOTED THE SUCCESS OR DEFEAT OF A QUESTION TO BE SUBMITTED TO A VOTE AT AN ELECTION ONLY IN THAT COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(a), (d)(1), and (e), as they specified where to file campaign finance reports.

In the introductory language of this section, the defined term "campaign finance report" is substituted for the former references to the "report or statement of contributions and expenditures" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance report" § 1-101

"Candidate" § 1-101

"Continuing political committee" § 1-101

"Local board" § 1-101

"Political committee" § 1-101

"State Board" § 1-101

13-317. LOCAL BOARD FILINGS -- IN DUPLICATE.

ALL CAMPAIGN FINANCE REPORTS FILED WITH A LOCAL BOARD SHALL BE FILED IN DUPLICATE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentences of former Art. 33, § 13-401(a) and (e).

The defined term "campaign finance report[s]" is substituted for the former references to "[a]ll reports or statements of contributions and expenditures" and "report" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance report" § 1-101

"Local board" § 1-101

13-318. RESERVED.

13-319. RESERVED.

PART V. IMPLEMENTING PROVISIONS.

13-320. FORMS.

THE STATE BOARD SHALL PRESCRIBE THE FORMS FOR THE CAMPAIGN FINANCE REPORTS AND OTHER DOCUMENTS REQUIRED BY THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-402(a).

The defined term "campaign finance report[s]" is substituted for the former reference to the "Report or Statement of Campaign and Election Contributions and Expenditures" and the "Schedule of Receipts and Disbursements" for consistency within this subtitle. The reference to "other documents required by this subtitle" is added for clarity.

Defined terms: "Campaign finance report" § 1-101

"State Board" § 1-101

13-321. NOTICE.

(A) DUTY OF BOARD.

(1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, EACH BOARD SHALL NOTIFY EACH CAMPAIGN FINANCE ENTITY THAT IS REQUIRED UNDER THIS SUBTITLE TO FILE CAMPAIGN FINANCE REPORTS WITH THAT BOARD OF EACH CAMPAIGN FINANCE REPORT REQUIRED TO BE FILED BY THAT ENTITY.

(2) THE NOTICE SHALL BE PROVIDED BY FIRST CLASS MAIL AT LEAST 10 BUT NOT MORE THAN 20 DAYS BEFORE THE FILING DATE FOR EACH CAMPAIGN FINANCE REPORT.

(B) INFORMATION TO BE INCLUDED.

THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE FILING DATE;

(2) THE TELEPHONE NUMBER, BUSINESS HOURS, AND LOCATION OF THE BOARD WHERE THE CAMPAIGN FINANCE REPORT IS TO BE FILED; AND

(3) THE PENALTY FOR FAILURE TO FILE A TIMELY CAMPAIGN FINANCE REPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(f).

Throughout this section, the defined term "campaign finance report" is substituted for the former references to "reports" and "report" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(1) of this section, the defined term "campaign finance entity" is substituted for the former reference to "candidate, the treasurer of each candidate, and the chairman and treasurer of each committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2) of this section, the reference to the "location of the board" where the campaign finance report is to be filed is substituted for the former reference to the "place for filing" for clarity and accuracy.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

13-322. TIMELINESS.

A CAMPAIGN FINANCE REPORT IS TIMELY IF:

(1) REGARDLESS OF WHEN IT IS RECEIVED, THE UNITED STATES POSTAL SERVICE HAS AFFIXED A MARK ON THE ENVELOPE OR ON A RECEIPT VERIFYING THAT THE CAMPAIGN FINANCE REPORT WAS MAILED ON OR BEFORE THE FILING DEADLINE; OR

(2) IT IS RECEIVED BY THE STATE BOARD OR THE LOCAL BOARD WITH WHICH IT IS REQUIRED TO BE FILED WITHIN 3 DAYS AFTER THE FILING DEADLINE AND A PRIVATE POSTAL METER POSTMARK OR A RECEIPT BY A PRIVATE CARRIER VERIFIES THAT THE CAMPAIGN FINANCE REPORT WAS MAILED OR DELIVERED TO THE PRIVATE CARRIER ON OR BEFORE THE FILING DEADLINE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(g)(1).

In the introductory language of this section, the defined term "campaign finance report" is substituted for the former reference to "report" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined terms: "Campaign finance report" § 1-101

"Local board" § 1-101

"State Board" § 1-101

13-323. RECEIPT.

A BOARD SHALL PROVIDE A RECEIPT FOR A CAMPAIGN FINANCE REPORT THAT IS HAND-DELIVERED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-401(g)(2).

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the requirement that a board provide a receipt for each campaign report that is "hand-delivered" is substituted for the former requirement to provide a receipt "[u]nless a report is mailed" for clarity and accuracy and consistency with current technology and practice. The Election Law Article Review Committee calls this substitution to the attention of the General Assembly.

The reference to a "campaign finance report" is substituted for the former reference to a "report" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Defined term: "Campaign finance report" § 1-101

13-324. ELECTRONIC FILING.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, CAMPAIGN FINANCE REPORTS REQUIRED TO BE FILED WITH THE STATE BOARD SHALL BE SUBMITTED USING AN ELECTRONIC STORAGE MEDIUM, AND IN A FORMAT, THAT THE STATE BOARD APPROVES.

(2) THE STATE BOARD MAY EXEMPT A CAMPAIGN FINANCE ENTITY WITH DE MINIMIS FINANCIAL ACTIVITY FROM THE REQUIREMENT TO SUBMIT CAMPAIGN FINANCE REPORTS USING AN ELECTRONIC MEDIUM.

(B) PROVISION OF MEDIA.

ON REQUEST THE STATE BOARD SHALL SUPPLY TO A PERSON WHO IS REQUIRED TO FILE CAMPAIGN FINANCE REPORTS USING AN ELECTRONIC MEDIUM THE COMPUTER SOFTWARE AND THE DISKS OR OTHER MEDIA ON WHICH THE REQUIRED INFORMATION IS TO BE ENTERED.

(C) MAINTENANCE OF RECORDS.

CAMPAIGN FINANCE REPORTS RECEIVED BY THE STATE BOARD IN AN ELECTRONIC STORAGE FORMAT SHALL BE MAINTAINED IN ACCORDANCE WITH § 13-341 OF THIS SUBTITLE.

(D) PUBLIC ACCESS.

THE STATE BOARD SHALL MAKE THE CAMPAIGN FINANCE REPORTS THAT ARE MAINTAINED IN AN ELECTRONIC STORAGE FORMAT UNDER SUBSECTION (C) OF THIS SECTION WIDELY AND EASILY ACCESSIBLE TO THE PUBLIC:

(1) USING ANY EXISTING PUBLIC OR PRIVATE SYSTEMS FOR DATA DISSEMINATION;

(2) ON TERMS THAT THE STATE BOARD DETERMINES ARE CONSISTENT WITH THE PURPOSES AND REQUIREMENTS OF THIS ARTICLE; AND

(3) BY MAKING ANY COMPUTER DISK SUBMITTED BY A PERSON AVAILABLE FOR DUPLICATION.

(E) COMPLIANCE.

THE STATE BOARD MAY REFUSE TO ACCEPT OR PROCESS A CAMPAIGN FINANCE REPORT THAT IS NOT SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(F) SPECIFICATIONS AND REGULATIONS.

THE STATE BOARD SHALL:

(1) DEVELOP SPECIFICATIONS FOR SUBMITTING CAMPAIGN FINANCE REPORTS USING AN ELECTRONIC MEDIUM; AND

(2) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

REVISOR'S NOTE: Subsections (a), (b), and (d) through (f) of this section are new language derived without substantive change from former Art. 33, § 13-402(e), (f), (c)(2), and (d)(1)(ii), (2), and (3).

Subsection (c) of this section is new language added for clarity, consistency, and completeness, and because related provisions of law regarding the maintenance of campaign finance reports by the State Board or a local board are decodified and transferred to the Session Laws. *See* Section 5, Ch. ___, Acts of 2002, which also enacted this article.

In subsection (a)(2) of this section, the defined term "campaign finance entity" is substituted for the former references to "candidates, personal treasurer accounts, and political committees". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsections (b) and (d) of this section, the defined term "campaign finance report[s]" is substituted for the former references to "reports" and "campaign finance information" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (e) of this section, the former reference to an "incomplete" report is deleted as surplusage.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the authority granted to the State Board under subsection (e) of this section to refuse to accept or process a campaign finance report that is submitted using an electronic medium, but which is not submitted in accordance with the requirements of the State Board, may not be broad enough. There does not, for example, appear to be a comparable statement of authority in the current law that would allow the State Board to refuse to accept or process a campaign finance report, submitted by means other than an electronic medium, because the report fails to comply with the requirements of the State Board.

The requirements of former Art. 33, § 13-402(c)(1) and (d)(1)(i), which required campaign finance reports or statements to be filed with the State Board in an electronic storage format beginning in November 1997 and before November 1, 2000, respectively, are transferred to the Session Laws. *See* Section 5, Ch. ___, Acts of 2002, which also enacted this article.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"State Board" § 1-101

13-325. RESERVED.

13-326. RESERVED.

PART VI. VIOLATIONS.

13-327. FAILURE TO FILE.

(A) IN GENERAL.

A CAMPAIGN FINANCE ENTITY THAT FAILS TO FILE A CAMPAIGN FINANCE REPORT REQUIRED BY THIS SUBTITLE IS SUBJECT TO THE SANCTIONS PROVIDED IN PART VII OF THIS SUBTITLE.

(B) FAILURE TO PROVIDE REQUIRED INFORMATION.

THE FAILURE TO PROVIDE ON A CAMPAIGN FINANCE REPORT REQUIRED BY § 13-304 OF THIS SUBTITLE ALL OF THE INFORMATION REQUIRED OF THE CAMPAIGN FINANCE ENTITY BY THE STATE BOARD UNDER THIS SUBTITLE IS DEEMED A FAILURE TO FILE AND RENDERS THE CAMPAIGN FINANCE REPORT OVERDUE, ONLY IF:

(1) THE STATE BOARD NOTIFIES THE RESPONSIBLE OFFICERS IN WRITING OF THE PARTICULAR DEFICIENCIES; AND

(2) THE RESPONSIBLE OFFICERS FAIL TO FILE A PROPERLY CORRECTED CAMPAIGN FINANCE REPORT WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(d).

Throughout this section, the defined terms "campaign finance report" and "campaign finance entity" are added for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2) of this section, the defined term "responsible officer[s]" is substituted for the former reference to the "candidate, chairman, or treasurer" for clarity and for consistency with other provisions of this subtitle and § 1-101 of this article.

The Election Law Article Review Committee notes, for the consideration of the General Assembly, that this section and § 13-328 of this subtitle are not inconsistent as to whether the failure to provide information constitutes a failure to file. The criteria for determining whether a failure to provide information is a failure to file are different under the two sections because the implications of a failure to file are vastly different under the two sections (*i.e.*, the penalties for a failure to file under this section are far more severe while under § 13-328 the penalty merely results in the placing of a person's name on a list of defaulters).

The Election Law Article Review Committee also notes, for the consideration of the General Assembly, that in subsection (b) of this section the former reference to the applicability of sanctions "without the necessity of further notice ... under ... subsection (c) of this section" is deleted as surplusage, if it is construed to apply only to notice relating to information and only to the point in time at which the failure to provide information becomes a failure to file. Another construction would have the effect of providing more due process protections to the person who *fails entirely* to file than to the person who *does file* but omits some information.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Responsible officer" § 1-101

"State Board" § 1-101

13-328. SAME -- LISTS OF VIOLATORS.

(A) IN GENERAL.

(1) WITHIN 10 DAYS AFTER THE DEADLINE FOR THE FILING OF ANY CAMPAIGN FINANCE REPORT THAT IS REQUIRED TO BE FILED WITH THE STATE BOARD, THE STATE BOARD SHALL COMPILE A LIST OF THE CAMPAIGN FINANCE ENTITIES THAT FAILED TO FILE THE CAMPAIGN FINANCE REPORT AND DISTRIBUTE THE LIST, OR A PORTION OF THE LIST, TO SUCH LOCAL BOARDS AS IS REQUIRED TO IMPLEMENT THIS SUBTITLE.

(2) WITHIN 10 DAYS AFTER THE DEADLINE FOR THE FILING OF ANY CAMPAIGN FINANCE REPORT THAT IS REQUIRED TO BE FILED WITH A LOCAL BOARD, THE LOCAL BOARD SHALL COMPILE A LIST OF THE CAMPAIGN FINANCE ENTITIES THAT FAILED TO FILE THE CAMPAIGN FINANCE REPORT AND TRANSMIT THE LIST TO THE STATE BOARD.

(B) FAILURE TO PROVIDE REQUIRED INFORMATION.

FOR THE PURPOSES OF SUBSECTION (A) OF THIS SECTION, THE FAILURE TO PROVIDE ON A CAMPAIGN FINANCE REPORT ALL OF THE INFORMATION REQUIRED OF THE CAMPAIGN FINANCE ENTITY BY THE STATE BOARD UNDER THIS SUBTITLE IS DEEMED A FAILURE TO FILE.

(C) LOCAL BOARD TO NOTIFY STATE BOARD.

(1) THIS SUBSECTION APPLIES ONLY TO A FAILURE TO FILE A CAMPAIGN FINANCE REPORT AS SPECIFIED IN § 13-327 OF THIS SUBTITLE.

(2) A LOCAL BOARD PROMPTLY SHALL NOTIFY THE STATE BOARD OF ANY CAMPAIGN FINANCE REPORT THAT IS MORE THAN 30 DAYS OVERDUE TO BE FILED WITH THAT LOCAL BOARD.

REVISOR'S NOTE: Subsections (a), (b), and (c)(2) of this section are new language derived without substantive change from former Art. 33, § 13-401(i) and (j) and, as it related to notice of overdue campaign finance reports to the State Board by the local boards, § 13-403(c).

Subsection (c)(1) of this section is new language added for clarity.

Throughout this section, the defined term "campaign finance report" is substituted for the former references to "report" or "statement". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a) of this section, the defined term "campaign finance

entit[ies]" is substituted for the former references to "candidate or committee" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article. Similarly, in subsection (b) of this section, the defined term "campaign finance entity" is added for clarity.

In subsection (a)(1) of this section, the reference to the distribution of the list "or a portion of the list" by the State Board is added for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the notice requirements under subsection (a) of this section may be outdated in light of current technology, particularly since most campaign finance reports filed with the State Board are posted on the Internet.

As to the different implications of a failure to file under this section and § 13-327 of this subtitle, *see* the Revisor's Note to § 13-327 of this subtitle.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Local board" § 1-101

"State Board" § 1-101

13-329. RESERVED.

13-330. RESERVED.

PART VII. SANCTIONS.

13-331. LATE FILING FEES.

(A) IMPOSITION.

IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, A BOARD SHALL ASSESS A LATE FILING FEE FOR A FAILURE TO FILE A CAMPAIGN FINANCE REPORT, AS SPECIFIED IN § 13-327 OF THIS SUBTITLE.

(B) AMOUNT OF FEE.

(1) THE FEE IS \$10 FOR EACH DAY OR PART OF A DAY, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS, THAT A CAMPAIGN FINANCE REPORT IS OVERDUE.

(2) AN ADDITIONAL FEE OF \$10 IS DUE FOR EACH OF THE FIRST 6 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS, THAT A PREELECTION CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE IS OVERDUE.

(3) THE MAXIMUM FEE PAYABLE FOR ANY SINGLE CAMPAIGN FINANCE REPORT IS \$250.

(C) ACCEPTANCE OF OVERDUE REPORTS.

(1) A BOARD SHALL ACCEPT AN OVERDUE CAMPAIGN FINANCE REPORT THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING FEE, BUT THE CAMPAIGN FINANCE REPORT IS NOT CONSIDERED FILED UNTIL THE FEE HAS BEEN PAID.

(2) AFTER AN OVERDUE CAMPAIGN FINANCE REPORT IS RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION NO FURTHER LATE FILING FEE SHALL BE INCURRED.

(D) RESPONSIBILITY FOR PAYMENT.

A LATE FILING FEE IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE OFFICERS AND:

(1) MAY NOT BE PAID, DIRECTLY OR INDIRECTLY, BY THE CAMPAIGN FINANCE ENTITY; AND

(2) IS NEITHER A CONTRIBUTION TO NOR AN EXPENDITURE OF THE ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(a), as it related to the imposition of, and responsibility for, a late filing fee for the failure to file a campaign finance report.

Throughout this section, the defined term "campaign finance report" is substituted for the former references to "report", "statement of expenditures or contributions", or "statement" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2) of this section, the former reference to "§ 13-401(a)(1) and (2), (c), and (d) of this subtitle" is deleted for clarity and to remove any ambiguity regarding the applicability of this section to a noncontinuing political committee. The Election Law Article Review Committee calls this deletion to the attention of the General Assembly.

In subsection (c)(1) of this section, the former reference to a board "or its officer" is deleted as implicit in the reference to the "board" and the inherent power and authority of a board.

Also in subsection (c)(1) of this section, the former reference to a report being "officially" filed is deleted as surplusage.

In subsection (c)(2) of this section, the former phrase "notwithstanding the fact the report ... is not considered officially filed" is deleted as surplusage.

In subsection (d)(1) of this section, the prohibition against a fee being "paid ... by the campaign finance entity" is substituted for the former prohibition against a fee being "paid ... from contributions to the candidate or committee" for clarity and consistency with § 13-218 of this title.

In subsection (d)(2) of this section, the reference to the "entity" is added for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Contribution" § 1-101

"Expenditure" § 1-101

"Responsible officer" § 1-101

13-332. DISQUALIFICATION -- ELIGIBILITY TO BE CANDIDATE OR TREASURER.

AN INDIVIDUAL MAY NOT BECOME A CANDIDATE FOR ANY PUBLIC OR PARTY OFFICE IN THIS STATE OR BECOME A TREASURER FOR A CAMPAIGN FINANCE ENTITY IF, AS TO ANY CAMPAIGN FINANCE REPORT DUE UNDER § 13-304 OF THIS SUBTITLE FROM, OR ON BEHALF OF, THAT INDIVIDUAL DURING THE PRECEDING FIVE CALENDAR YEARS:

(1) THERE EXISTS A FAILURE TO FILE AS SPECIFIED IN § 13-327 OF THIS SUBTITLE; OR

(2) THE INDIVIDUAL HAS FAILED TO PAY A LATE FILING FEE THAT IS DUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(b).

The defined term "campaign finance report" is substituted for the former reference to "reports or statements" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article. Similarly, the defined term "campaign finance entity" is substituted for the former reference to "candidate or committee".

The reference to an "individual" is substituted for the former reference to a "person" because only an individual, and not the other entities included in the defined term "person", may become candidates or treasurers. Correspondingly, the reference to an "individual" is added to item (2) of this section for clarity.

The former phrase "a certificate of candidacy may not be accepted on his behalf" is deleted as redundant.

The former reference to a candidate in an "election" is deleted as obsolete because, as defined in § 1-101 of this article, a "candidate" may include an individual who has not filed a certificate of candidacy and the forming of a political committee is not tied to a specific election. The Election Law Article Review Committee calls this deletion to the attention of the General Assembly.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the prohibition against an individual filing a

certificate of a candidacy or becoming a treasurer for a candidate or political committee may be preempted and unenforceable as to a federal candidate or campaign officer. *See* 2 U.S.C. § 453.

The Election Law Article Review Committee also notes, for consideration by the General Assembly, that the reference to the filing of certain campaign reports "during the preceding five calendar years" is ambiguous under current circumstances. The Election Law Article Review Committee has revised this section to conform to current practice and in recognition of the change in circumstances manifested by the change in the length of campaigns since the provision was enacted, *i.e.*, the formation of a campaign finance entity for a candidate may not be tied to an "election".

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Treasurer" § 1-101

13-333. SAME -- ASSUMING OFFICE.

(A) IN GENERAL.

AN INDIVIDUAL WHO, WITHIN THE MEANING OF § 13-327 OF THIS SUBTITLE, HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT THAT IS DUE FROM, OR ON BEHALF OF, THAT INDIVIDUAL, MAY NOT, UNTIL THE INDIVIDUAL CORRECTS THE FAILURE TO FILE:

- (1) BE DEEMED TO BE ELECTED TO A PUBLIC OR PARTY OFFICE IN THIS STATE;
- (2) TAKE THE OATH OR OTHERWISE ASSUME THE DUTIES OF THE OFFICE; OR
- (3) RECEIVE ANY SALARY OR COMPENSATION FOR THE OFFICE.

(B) CERTIFICATION BY STATE BOARD.

AN OFFICIAL OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS MAY NOT ISSUE A COMMISSION OR ADMINISTER AN OATH OF OFFICE TO AN INDIVIDUAL UNTIL THAT OFFICIAL RECEIVES CERTIFICATION FROM THE STATE BOARD THAT ALL CAMPAIGN FINANCE REPORTS DUE UNDER § 13-304 OF THIS SUBTITLE FROM, OR ON BEHALF OF, THAT INDIVIDUAL HAVE BEEN FILED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(e).

In the introductory language of subsection (a) of this section, the phrase "within the meaning of" § 13-327 is substituted for the former phrase "pursuant to" for clarity.

Also in the introductory language of subsection (a) of this section, the

defined term "campaign finance report" is substituted for the former references to "reports and statements of contributions" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

Also in the introductory language of subsection (a) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only an individual, and not the other entities included in the defined term "person", may be elected to office.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that, to the extent that subsection (a) of this section purports to regulate the election and authority of a candidate for a federal office, that provision may be preempted and unenforceable. *See* 2 U.S.C. § 453.

In subsection (a)(1) of this section, the former reference to "the laws of" this State is deleted as surplusage.

In subsection (a)(2) of this section, the former phrase "until the State Board certifies" is deleted as redundant in light of § 11-603 of this article.

In subsection (a)(3) of this section, the reference to "compensation" is substituted for the former reference to "emoluments" for clarity.

In subsection (b) of this section, the reference to an "individual" is substituted for the former reference to a "candidate" for clarity since only an "individual" may receive a commission or be administered an oath of office.

Defined terms: "Campaign finance report" § 1-101

"State Board" § 1-101

13-334. FORFEITURE OF SALARY.

(A) SCOPE.

THIS SECTION APPLIES TO EACH INDIVIDUAL HOLDING PUBLIC OFFICE IN THIS STATE WHO IS SUBJECT TO PROSECUTION UNDER § 13-335(B) OF THIS SUBTITLE.

(B) INVESTIGATION.

THE STATE BOARD SHALL:

(1) **INVESTIGATE EACH CIRCUMSTANCE THAT CAUSES AN INDIVIDUAL TO BECOME SUBJECT TO THIS SECTION;**

(2) **NOTIFY THE INDIVIDUAL; AND**

(3) **PROVIDE THE INDIVIDUAL AN OPPORTUNITY TO BE HEARD.**

(C) GARNISHMENT.

IF THE STATE BOARD DETERMINES, AFTER AN OPPORTUNITY FOR A HEARING, THAT THE INDIVIDUAL HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT WITHIN THE MEANING OF § 13-327 OF THIS SUBTITLE, WAS PROVIDED NOTICE UNDER § 13-335 OF THIS SUBTITLE, AND HAS NOT RECTIFIED THE FAILURE AND PAID ANY LATE FILING FEE DUE, THE STATE BOARD SHALL DIRECT THE APPROPRIATE FINANCIAL OFFICER TO WITHHOLD THE SALARY OF THE INDIVIDUAL AS TO THAT PUBLIC OFFICE UNTIL:

(1) THE FAILURE TO FILE IS RECTIFIED AND ANY LATE FILING FEE IS PAID; AND

(2) ANY SALARY PREVIOUSLY PAID TO THE INDIVIDUAL FOR THE PUBLIC OFFICE WHILE THE INDIVIDUAL WAS IN VIOLATION IS RESTORED TO THE STATE OR LOCAL GOVERNMENT INVOLVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(f).

In subsection (a) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only an individual and not the other entities included in the defined term "person" may hold public office.

Also in subsection (a) of this section, the phrase "subject to prosecution under § 13-335(b) of this subtitle" is substituted for the former phrase "notified ... and has failed to file a report or statement ... failed to file a report ... or failed to pay any late filing fee due" for brevity, clarity, and consistency with § 13-335 of this subtitle.

Also in subsection (a) of this section, the former references to "subsection (c) or (d) of this section" and "§ 13-401(a) of this subtitle and subsection (d) or (i) of this section", are deleted as misleading and confusing.

In subsections (b) and (c) of this section, the references to the "State Board" are substituted for the former references to the "board" for clarity and to state explicitly that which formerly was implied by the requirements that certain persons be provided notice regarding the failure to file certain campaign finance reports and the requirement that an investigation and hearing be held on the failure to file.

In subsection (b)(1) of this section, the phrase "each circumstance that causes an individual to become subject to this section" is added for clarity.

In the introductory language of subsection (c) of this section, the phrase "as to that public office" is added for clarity.

In subsection (c)(2) of this section, the reference to the withholding of the salary until "any salary previously paid ... is restored to the State or local government involved" is substituted for the former reference to the withholding "from future salary payments a sum or sums which equal any

amount previously paid" for clarity and accuracy.

Defined terms: "Campaign finance report" § 1-101

"State Board" § 1-101

13-335. REFERRAL FOR PROSECUTION.

(A) SHOW CAUSE NOTICE.

(1) IF THE STATE BOARD DETERMINES THAT THERE HAS BEEN, FOR MORE THAN 30 DAYS, A FAILURE TO FILE A CAMPAIGN FINANCE REPORT WITHIN THE MEANING OF § 13-327 OF THIS SUBTITLE, THE STATE BOARD SHALL ISSUE THE NOTICE PRESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION TO THE RESPONSIBLE OFFICERS OF THE CAMPAIGN FINANCE ENTITY IN VIOLATION.

(2) THE NOTICE SHALL DEMAND THAT, WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE, EITHER:

(I) THE FAILURE TO FILE BE RECTIFIED AND ANY LATE FILING FEE DUE BE PAID; OR

(II) THE RESPONSIBLE OFFICERS SHOW CAUSE WHY THE STATE BOARD SHOULD NOT ASK THE APPROPRIATE PROSECUTING AUTHORITY TO PROSECUTE THE RESPONSIBLE OFFICERS FOR A VIOLATION OF THIS SUBTITLE.

(B) PENALTY.

A RESPONSIBLE OFFICER WHO FAILS, WITHOUT CAUSE, TO FILE THE CAMPAIGN FINANCE REPORT AND PAY THE LATE FEE WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE PRESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES PRESCRIBED IN § 13-603 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 33, § 13-403(c).

In subsections (a)(1) and (b) of this section, the defined term "campaign finance report" is substituted for the former references to "report or statement". See General Revisor's Note to this title and § 1-101 of this article. Similarly, in subsection (a)(1) of this section, the reference to a "campaign finance entity" is substituted for the former reference to a "committee".

In subsection (a)(1) of this section, the reference to a "responsible officer" is substituted for the former reference to a "candidate, or ... chairman and treasurer if ... a committee" for clarity and consistency with other provisions of this title. See General Revisor's Note to this title and § 1-101 of this article.

Also in subsection (a)(1) of this section, the reference to the State Board's

"determin[ing]" that a report is late is substituted for the former reference to the State Board "learn[ing]" that a report is late for clarity.

In subsection (a)(2)(ii) of this section, the reference to a "prosecuting authority" is substituted for the former reference to "State's Attorney" to acknowledge the authority of the State Prosecutor to prosecute for a violation of the campaign finance law.

Also in subsection (a)(2)(ii) of this section, the former phrase "as provided in § 13-603 of this title" is deleted as an inaccurate cross-reference.

In subsection (b) of this section, the reference to a responsible officer who fails "without cause" to file a campaign finance report is added for clarity and to acknowledge that the responsible officers, by showing cause in response to the notice provided by subsection (a) of this section, may avoid the referral for prosecution.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Responsible officer" § 1-101

"State Board" § 1-101

13-336. PROVISIONS MANDATORY.

SUBJECT TO § 13-337 OF THIS SUBTITLE, THE PROVISIONS OF PART VI AND THIS PART VII OF THIS SUBTITLE AND THE PROVISIONS OF THIS SUBTITLE GOVERNING THE FILING OF CAMPAIGN FINANCE REPORTS ARE MANDATORY AND NOT DIRECTORY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 33, § 403(h)(1).

The introductory clause of this section, "[s]ubject to § 13-337 of this subtitle" is added for clarity.

Defined term: "Campaign finance report" § 1-101

13-337. RELIEF FROM SANCTIONS.

(A) JUDICIAL DETERMINATION.

A SANCTION MAY NOT BE IMPOSED FOR FAILURE TO FILE A CAMPAIGN FINANCE REPORT OR TO PAY A LATE FILING FEE IF A COURT OF COMPETENT JURISDICTION FINDS JUST CAUSE FOR THE FAILURE.

(B) ADMINISTRATIVE WAIVER OF LATE FILING FEE.

(1) ON REQUEST OF A RESPONSIBLE OFFICER SUBJECT TO THE ASSESSMENT OF A LATE FILING FEE AND WITH THE APPROVAL OF THE STATE

BOARD, THE STATE ADMINISTRATOR MAY WAIVE THE LATE FILING FEE FOR JUST CAUSE.

(2) THE DECISION OF THE STATE ADMINISTRATOR ON A WAIVER REQUEST SHALL BE IN WRITING AND STATE THE CIRCUMSTANCES SURROUNDING THE LATE FILING AND THE REASONS FOR THE DECISION.

(3) THE STATE ADMINISTRATOR MAY MAKE A DECISION ON A WAIVER REQUEST WITHOUT NOTICE OR HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(h)(2) and (3) and the second sentence of (1).

In subsection (a) of this section, the defined term "campaign finance report" is substituted for the former reference to a "report or statement" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(1) of this section, the reference to "a responsible officer subject to the assessment of a late filing fee" is substituted for the former reference to "the person required to file" for clarity.

Also in subsection (b)(1) of this section, the reference "with the approval of the State Board" is substituted for the former reference "subject to" the approval of the State Board for clarity.

In subsection (b)(3) of this section, the reference to the "State Administrator" is added for consistency with subsection (b)(2) of this section.

Defined terms: "Campaign finance report" § 1-101

"State Administrator" § 1-101

"State Board" § 1-101

13-338. RESERVED.

13-339. RESERVED.

PART VIII. ADMINISTRATIVE PROCEDURES.

13-340. DISTRIBUTION OF LATE FEES.

(A) IN GENERAL.

ALL LATE FILING FEES SHALL BE TREATED AS A SPECIAL FUND AND DISTRIBUTED AS PROVIDED IN THIS SECTION.

(B) STATE BOARD.

(1) FEES RELATING TO CAMPAIGN FINANCE REPORTS REQUIRED TO BE FILED WITH THE STATE BOARD SHALL BE PAID TO THE STATE BOARD AND BE APPLIED TO PAY THE EXPENSES OF COLLECTION AND OF ANY AUDITS OF CAMPAIGN FINANCE REPORTS PERFORMED AT THE DIRECTION OF THE STATE ADMINISTRATOR.

(2) AT THE END OF EACH FISCAL YEAR, ANY BALANCE SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE STATE.

(C) LOCAL BOARDS.

FEES RELATING TO CAMPAIGN FINANCE REPORTS REQUIRED TO BE FILED ONLY WITH A LOCAL BOARD SHALL BE PAID TO THE LOCAL BOARD FOR TRANSFER TO THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(g).

In subsection (a) of this section, the former reference to fees that were "paid" is deleted as surplusage.

In subsections (b)(1) and (c) of this section, the references to "campaign finance reports" are substituted for the former references to "reports" and "statements". See General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2) of this section, the former reference to any "remaining" balance is deleted as implicit in the reference to a "balance".

Also in subsection (b)(2) of this section, the reference to funds being "transferred to the General Fund of the State" is substituted for the former reference to a fund balance remaining being "remitted to the State treasury as part of the general funds of the State" for clarity and accuracy.

Defined terms: "Campaign finance report" § 1-101

"Local board" § 1-101

"State Administrator" § 1-101

"State Board" § 1-101

13-341. RETENTION OF DOCUMENTS.

(A) REQUIREMENT.

(1) EACH BOARD SHALL RECEIVE AND PRESERVE ALL CAMPAIGN FINANCE REPORTS THAT ARE REQUIRED TO BE FILED WITH IT UNDER THIS ARTICLE.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE CAMPAIGN FINANCE REPORTS RECEIVED BY A BOARD SHALL BE KEPT AS PART OF ITS RECORDS FOR:

(I) A PERIOD NOT TO EXCEED 5 YEARS AFTER THE CAMPAIGN FINANCE REPORT IS FILED; OR

(II) A LONGER PERIOD IF REQUIRED BY A COURT OF COMPETENT JURISDICTION OR THE STATE BOARD BY REGULATION.

(3) (I) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE CAMPAIGN FINANCE REPORT IS THAT OF A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, THE BOARD SHALL KEEP THE CAMPAIGN FINANCE REPORT AS A PART OF ITS RECORDS FOR AT LEAST 1 YEAR AFTER THE EXPIRATION OF THE TERM OF THE PUBLIC OR PARTY OFFICE FOR WHICH THE CANDIDATE SOUGHT NOMINATION OR ELECTION.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH APPLIES WHETHER OR NOT:

1. THE CANDIDATE IS NOMINATED, ELECTED, OR COMPLETES THE TERM OF OFFICE; AND

2. THE CAMPAIGN FINANCE REPORT RELATES TO MORE THAN ONE CANDIDATE.

(B) PUBLIC ACCESS.

CAMPAIGN FINANCE REPORTS SHALL BE OPEN FOR PUBLIC INSPECTION DURING THE REGULAR OFFICE HOURS OF THE BOARD THAT RETAINS THEM.

(C) TRANSFER TO STATE ARCHIVES.

SUBJECT TO SUBSECTION (A) OF THIS SECTION, A BOARD SHALL TRANSFER THE CAMPAIGN FINANCE REPORTS FILED WITH IT TO THE STATE ARCHIVES.

(D) OVERDUE REPORTS -- SEPARATE RECORD.

(1) BEFORE TRANSFERRING A CAMPAIGN FINANCE REPORT TO THE STATE ARCHIVES, A BOARD SHALL MAKE A RECORD OF ANY OVERDUE CAMPAIGN FINANCE REPORT FROM THE SAME CAMPAIGN FINANCE ENTITY AND SUBMIT A COPY OF THE RECORD TO THE STATE ARCHIVES AND, IF MADE BY A LOCAL BOARD, TO THE STATE BOARD.

(2) THE RECORD SHALL INCLUDE:

(I) THE NAME OF THE CAMPAIGN FINANCE ENTITY;

(II) THE NAME OF THE TREASURER;

(III) AN IDENTIFICATION OF THE MISSING CAMPAIGN FINANCE REPORT; AND

(IV) IF NO LATER CAMPAIGN FINANCE REPORT HAS BEEN FILED BY THE ENTITY, THE AMOUNT OF ANY OUTSTANDING BALANCE, AND ANY

OUTSTANDING OBLIGATIONS, SHOWN ON THE LAST CAMPAIGN FINANCE REPORT FILED.**(E) EVIDENCE.**

A COPY OF A CAMPAIGN FINANCE REPORT MAY BE USED AS EVIDENCE IN A COURT IN ACCORDANCE WITH § 10-204 OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-404.

Throughout this section, the references to "campaign finance report[s]" are substituted for the former references to "reports", "statements", and "accounts". *See* General Revisor's Note to this title and § 1-101 of this article. Similarly, in subsections (a)(3) and (d) of this section, the defined term "campaign finance entity" is added.

In subsections (a)(1) and (d)(1) of this section, the former references to "[e]very officer" and "officer", respectively, are deleted as surplusage and as inherent in the power and authority of a board under this section.

In subsection (a)(1) of this section, the former reference to "file" is deleted as included in the comprehensive reference to "preserve".

In subsection (a)(2)(i) of this section, the reference to the retention of a campaign finance report received by a board for a period not to exceed 5 years "after the campaign finance report is filed" is added for clarity, specificity, and the presumed legislative intent. The Election Law Article Review Committee calls this addition to the attention of the General Assembly.

In subsection (a)(2)(ii) of this section, the reference to the retention of campaign finance reports for a period longer than 5 years as required by a court "or the State Board by regulation" is added for clarity and for consistency with § 2-106 of this article and SG § 10-632.

In subsection (a)(3)(ii)1 of this section, the reference to a candidate who is "nominated, elected, or completes the term" is substituted for the former reference to a candidate who is "successful, unsuccessful, or resigns" for accuracy and consistency.

In subsection (a)(3)(ii)2 of this section, the reference to a campaign finance report that "relates to more than one candidate" is added for clarity.

In subsection (b) of this section, the former reference to the inspection of campaign finance reports by a "citizen" is deleted as inconsistent with the requirements of the State public records law under Title 10, Subtitle 6 of the State Government Article.

In subsection (c) of this section, the clause "[s]ubject to subsection (a) of

this section" is substituted for the former reference to "[t]hereafter" for clarity.

In subsection (d)(1) of this section, the phrase "from the same campaign finance entity" is substituted for the former phrase "required to have been filed by § 13-401 of this subtitle but which have not been filed" for brevity and accuracy.

Also in subsection (d)(1) of this section, the former references to a "permanent" record are deleted as redundant and for accuracy.

In subsection (d)(2)(iv) of this section, the phrase "if no later campaign finance report has been filed" is substituted for the former reference to a "final report" for accuracy and clarity.

In subsection (e) of this section, the reference to "§ 10-204 of the Courts Article" is substituted for the former references to "the same extent as the original ... would be if produced and proved" and to reports "certified by the principal administrative officer in whose office they are kept under the seal of his office" for brevity and accuracy.

Defined terms: "Campaign finance entity" § 1-101

"Campaign finance report" § 1-101

"Candidate" § 1-101

"Election" § 1-101

"Local board" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE:

Article 33, § 13-402(c)(1) and (d)(1)(i) are transferred to the Session Laws. These provisions, which regulate campaign reports required to be filed with the State Board in an electronic storage format beginning in November 1997 and before November 1, 2000, respectively, are obsolete, except to the extent persons subject to those electronic filing requirements have failed to file required campaign reports and except for the requirements governing the maintenance of those campaign finance reports by the State Board.

SUBTITLE 4. CAMPAIGN MATERIALS.

PART I. GENERAL PROVISIONS.

13-401. AUTHORITY LINE.

(A) REQUIREMENT -- IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH ITEM OF CAMPAIGN MATERIAL SHALL CONTAIN, SET APART FROM ANY OTHER MESSAGE, AN AUTHORITY LINE THAT STATES:

(I) AS TO CAMPAIGN MATERIAL PUBLISHED OR DISTRIBUTED BY A CAMPAIGN FINANCE ENTITY:

1. THE NAME AND ADDRESS OF THE TREASURER OF EACH CAMPAIGN FINANCE ENTITY RESPONSIBLE FOR THE CAMPAIGN MATERIAL; AND

2. AS TO EACH TREASURER NAMED UNDER ITEM 1 OF THIS PARAGRAPH, THE NAME OF EACH CAMPAIGN FINANCE ENTITY FOR WHICH THE TREASURER IS ACTING; AND

(II) AS TO CAMPAIGN MATERIAL PUBLISHED OR DISTRIBUTED BY ANY OTHER PERSON, THE NAME AND ADDRESS OF THE PERSON RESPONSIBLE FOR THE CAMPAIGN MATERIAL.

(2) THE AUTHORITY LINE MAY OMIT AN ADDRESS THAT IS ON FILE WITH THE STATE BOARD OR A LOCAL BOARD.

(3) IF THE CAMPAIGN MATERIAL IS TOO SMALL TO INCLUDE ALL THE INFORMATION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IN A LEGIBLE MANNER, THE AUTHORITY LINE NEED ONLY CONTAIN THE NAME AND TITLE OF THE TREASURER OR OTHER PERSON RESPONSIBLE FOR IT.

(4) THE AUTHORITY LINE FOR CAMPAIGN MATERIAL THAT IS A COMMERCIAL ADVERTISEMENT NEED ONLY CONTAIN THE INFORMATION SPECIFIED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION FOR ONE CAMPAIGN FINANCE ENTITY OR OTHER PERSON RESPONSIBLE FOR THE ADVERTISEMENT.

(B) SAME -- CAMPAIGN MATERIAL NOT AUTHORIZED BY CANDIDATE.

CAMPAIGN MATERIAL THAT IS PUBLISHED OR DISTRIBUTED IN SUPPORT OF OR IN OPPOSITION TO A CANDIDATE, BUT IS NOT AUTHORIZED BY THE CANDIDATE, SHALL INCLUDE THE FOLLOWING STATEMENT:

"THIS MESSAGE HAS BEEN AUTHORIZED AND PAID FOR BY (NAME OF PAYOR OR ANY ORGANIZATION AFFILIATED WITH THE PAYOR), (NAME AND TITLE OF TREASURER OR PRESIDENT). THIS MESSAGE HAS NOT BEEN AUTHORIZED OR APPROVED BY ANY CANDIDATE."

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-501(a)(2) and (3) and § 13-504(b).

In subsection (a)(1)(i)1 and (3) of this section, the former reference to a "candidate, ... chairman, or campaign manager" is deleted in light of the reference to the "treasurer" of a campaign finance entity and in light of § 13-218 of this title, which requires the treasurer to authorize expenditures on behalf of the campaign finance entity.

In subsection (a)(1)(i) and (4) of this section, the references to a "campaign finance entity" are added for clarity. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(1) of this section, the reference to "message" is substituted for the former reference to "printing" to encompass oral statements.

In subsection (a)(3) of this section, the reference to the name "and title" of the treasurer or other person responsible for campaign material is added for clarity.

In subsection (a)(4) of this section, the reference to a "commercial" advertisement is added to cover radio, commercial sound trucks, and similar printed advertisements for clarity and to express what the Committee presumes to be the intent of the General Assembly. The Election Law Article Review Committee brings this addition to the attention of the General Assembly.

In subsection (b) of this section, the former phrase "campaign advertisement" is deleted as included in the definition of "[c]ampaign material".

Also in subsection (b) of this section, the phrase "published or distributed" is added for clarity and consistency with subsection (a)(1) of this section.

Also in subsection (b) of this section, the phrase "in support of or in opposition to a candidate" is added for clarity and in light of § 13-102 of this title, which exempts from the regulation of this title individuals who act independently of any other person when expressing personal views on any subject or making an expenditure of personal funds to purchase campaign material.

Also in subsection (b) of this section, the phrase "payor or any organization affiliated with the payor" is substituted for the former reference to the "committee or any affiliated organization of the committee" for clarity.

Defined terms: "Campaign finance entity" § 1-101

"Campaign material" § 1-101

"Local board" § 1-101

"State Board" § 1-101

"Treasurer" § 1-101

13-402. ADVERTISING RATES.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON PUBLISHING A NEWSPAPER OR PERIODICAL IN THE STATE MAY NOT CHARGE A CANDIDATE FOR STATE OR LOCAL PUBLIC OFFICE A RATE FOR POLITICAL ADVERTISING THAT EXCEEDS THE LOCAL RATE REGULARLY CHARGED FOR COMMERCIAL ADVERTISING BY THE PERSON PUBLISHING THAT NEWSPAPER OR PERIODICAL.

(B) ADVERTISING OR PRESS AGENCY.

IF A CANDIDATE USES AN ADVERTISING OR PRESS AGENCY TO PLACE A POLITICAL ADVERTISEMENT, THE PERSON PUBLISHING THE NEWSPAPER OR PERIODICAL MAY CHARGE THE NATIONAL RATE REGULARLY CHARGED BY THAT NEWSPAPER OR PERIODICAL FOR COMMERCIAL ADVERTISING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-501(b).

In subsection (a) of this section, the former reference to a "corporation" is deleted as included in the references to a "person".

In subsection (b) of this section, the former reference to a "regular" rate is deleted in light of the reference to the rate "regularly" charged for brevity.

Defined term: "Candidate" § 1-101

13-403. RETENTION OF COPIES.

(A) REQUIREMENT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH CAMPAIGN FINANCE ENTITY RESPONSIBLE FOR, PUBLISHER OF, AND DISTRIBUTOR OF, AN ITEM OF CAMPAIGN MATERIAL SHALL KEEP A SAMPLE COPY OF THE ITEM FOR AT LEAST 1 YEAR AFTER THE GENERAL ELECTION NEXT FOLLOWING THE DATE WHEN THE ITEM WAS PUBLISHED OR DISTRIBUTED.

(2) FOR EACH ITEM OF CAMPAIGN MATERIAL DISSEMINATED THROUGH THE INTERNET, THE SAMPLE COPY SHALL BE:

(I) A PAPER FACSIMILE; OR

(II) A COPY ON AN ELECTRONIC MEDIUM THAT CAN BE PRODUCED AS A PAPER FACSIMILE ON REQUEST.

(B) EXCEPTION.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A BILLBOARD OR A SIGN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-502(a) and (c).

In subsection (a)(1) of this section, the reference to a "campaign finance entity" responsible for campaign material is substituted for the former reference to each "candidate or treasurer or subtreasurer" for clarity and brevity.

Also in subsection (a)(1) of this section, the former reference to a person who "causes" campaign material to be published or distributed is deleted as surplusage and as included in the reference to "each campaign finance entity responsible for, publisher of, and distributor of, an item of"

campaign material.

Also in subsection (a)(1) of this section, the reference to the "general" election is added for clarity and specificity.

Also in subsection (a)(1) of this section, the former reference to "a complete file" is deleted as surplusage.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that it is now possible to transmit audio and video material through the Internet. Subsection (a)(2)(ii) of this section may need to be reviewed to determine whether it should be altered to accommodate this change in circumstance.

In subsection (b) of this section, the word "sign" is substituted for the former reference to "placards" for clarity, specificity, and current usage.

Defined terms: "Campaign material" § 1-101

"Distributor" § 1-101

13-404. RESERVED.

13-405. RESERVED.

PART II. LEGISLATIVE NEWSLETTERS.

13-406. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART II OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 13-503(a)(1).

(B) INCUMBENT.

"INCUMBENT" MEANS A MEMBER OF THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 13-503(a)(2).

No changes are made.

(C) LEGISLATIVE NEWSLETTER.

"LEGISLATIVE NEWSLETTER" MEANS AN UNSOLICITED DOCUMENT USED BY AN INCUMBENT, WITHOUT SUPERVISION BY, OR COORDINATION WITH, THE GENERAL ASSEMBLY, TO DISSEMINATE INFORMATION TO A CONSTITUENT, VOTER, OR POTENTIAL VOTER ABOUT:

- (1) THE INCUMBENT'S PERFORMANCE IN LEGISLATIVE OFFICE; OR
- (2) ONE OR MORE ISSUES OF PUBLIC INTEREST CHOSEN BY THE INCUMBENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 13-503(a)(3).

In the introductory language of this subsection, the former reference to a "forum" is deleted as surplusage.

Also in the introductory language of this subsection, the reference to "a constituent, voter, or potential voter" is added based on similar language in former Art. 33, § 13-503(a)(4) which is revised in subsection (d) of this section.

Also in the introductory language of this subsection, the phrase referencing an unsolicited document "used by an incumbent, without supervision by, or coordination with, the General Assembly" is added to distinguish legislative newsletters from the *Annapolis Report*.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the definition of a legislative newsletter is restricted to the dissemination of information about an incumbent's performance in "legislative" office. Did the General Assembly intend to limit the regulation of newsletters to only those newsletters that contain information about the incumbent's General Assembly legislative activity? It would appear that information regarding an incumbent's legislative performance as a member of a county council or local board of education or in any other non-General Assembly elected office may be equally relevant to the purpose of this subsection. The General Assembly may wish to clarify this ambiguity.

In item (2) of this subsection, the reference to issues of public "interest" is substituted for the former reference to an issue of public "importance" for clarity and specificity.

Also in item (2) of this subsection, the former reference to a "candidate" is deleted as included in the reference to an "incumbent". The Election Law Article Review Committee calls this deletion to the attention of the General Assembly.

(D) PUBLICATION EXPENSE.

"PUBLICATION EXPENSE" MEANS AN EXPENDITURE RELATING TO WRITING, PUBLISHING, PRINTING, ISSUING, MAILING, OR DISTRIBUTING A LEGISLATIVE NEWSLETTER.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 15-503(a)(4).

The former reference to "a voter, potential voter, or constituent" is deleted in light of the definition of a "legislative newsletter".

Defined term: "Expenditure" § 1-101

13-407. SCOPE OF PART.

PART II OF THIS SUBTITLE DOES NOT RESTRICT THE USE BY THE GENERAL ASSEMBLY OF ANY FUNDS APPROPRIATED IN THE STATE BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-503(d).

This section is revised to clarify that the General Assembly may publish, as an entity, a newsletter.

13-408. PAYMENT OF PUBLICATION EXPENSES.

(A) PUBLIC FUNDS PROHIBITED.

PUBLICATION EXPENSES MAY NOT BE PAID FROM PUBLIC FUNDS.

(B) PERMISSIBLE FUNDING.

PUBLICATION EXPENSES MAY BE PAID FROM:

(1) A CAMPAIGN ACCOUNT OF A CAMPAIGN FINANCE ENTITY OF THE INCUMBENT IF THE CAMPAIGN FINANCE ENTITY COMPLIES WITH ALL OTHER REQUIREMENTS OF THIS TITLE REGARDING EXPENDITURES AND CAMPAIGN MATERIAL; OR

(2) THE PERSONAL FUNDS OF THE INCUMBENT OR THE SPOUSE OF THE INCUMBENT IF, AS TO EACH ISSUE:

(I) THE INCUMBENT HAS NOT FILED A CERTIFICATE OF CANDIDACY;

(II) THE LEGISLATIVE NEWSLETTER CONTAINS A NOTICE THAT IT IS DISSEMINATED AT THE PERSONAL EXPENSE OF THE INCUMBENT; AND

(III) WITHIN 10 DAYS AFTER THE FIRST MAILING OR DISTRIBUTION OF THE ISSUE, THE INCUMBENT FILES A CAMPAIGN FINANCE REPORT WITH THE STATE BOARD THAT CONTAINS:

1. A DETAILED LIST OF PUBLICATION EXPENSES; AND

2. AN AFFIDAVIT THAT NO FUNDS FOR THE LEGISLATIVE NEWSLETTER HAVE BEEN SOLICITED OR RECEIVED FROM ANY SOURCE TO SUPPLEMENT THE PERSONAL FUNDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-503(b) and (c).

In subsection (a) of this section and in the introductory language of subsection (b) of this section, the former references to a "legislative newsletter" are deleted in light of the defined term "[p]ublication expense".

In subsection (a) of this section, the former reference to an individual "who has filed a certificate of candidacy" is deleted as included in the limitations governing the payment of publication expenses in subsection (b) of this section. Similarly, the former reference to paying publication expenses "only from the individual's campaign treasury" is deleted.

In subsection (b) of this section, the former reference to an "individual" is deleted as included in the reference to an "incumbent".

In subsection (b)(1) of this section, the term campaign "account" is substituted for the former reference to a campaign "treasury" for consistency with the terminology used elsewhere throughout this title.

In subsection (b)(2)(i) of this section, the reference to an incumbent who "has not filed a certificate of candidacy", which formerly modified both funds from a campaign account and personal funds, is revised to apply only to personal funds for clarity.

In subsection (b)(2)(ii) of this section, the word "notice" is substituted for the former reference to a "statement" for clarity and to avoid conflict with the defined term "campaign finance report". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b)(2)(iii) of this section, the defined term "campaign finance report" is substituted for the former reference to a "report" for clarity and consistency with the terminology used throughout this title. Similarly, the reference to the "campaign finance entity" of an incumbent is added in subsection (b)(1) of this section. *See* General Revisor's Note to title and § 1-101 of this article.

Also in subsection (b)(2)(iii) of this section, the former reference to an incumbent who "signs" and files a statement is deleted in light of the requirement that the incumbent file a campaign finance report with the State Board that contains an "affidavit".

Also in subsection (b)(2)(iii) of this section, the former reference to "a form that the Board provides" is deleted as included in the definition of a "campaign finance report".

Defined terms: "Campaign finance report" § 1-101

"Candidate" § 1-101

"Expenditure" § 1-101

"Incumbent" § 13-406

"Legislative newsletter" § 13-406

"Publication expense" § 13-406

13-409. LATE FILING FEE.

(A) IN GENERAL.

THERE IS A \$10 LATE FILING FEE FOR EACH DAY OR PART OF A DAY, EXCLUDING A SATURDAY, SUNDAY, OR HOLIDAY, THAT A CAMPAIGN FINANCE REPORT REQUIRED BY § 13-408 OF THIS SUBTITLE IS OVERDUE.

(B) MAXIMUM.

THE MAXIMUM FEE PAYABLE IS \$250.

(C) PERSONAL LIABILITY.

A LATE FEE ASSESSED UNDER THIS SECTION SHALL BE PAID FROM THE PERSONAL FUNDS OF THE INCUMBENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-403(i).

In subsection (a) of this section, the defined term "campaign finance report" is substituted for the former reference to a "report". *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (b) of this section, the former reference to an "overdue report" is deleted as included in subsection (a) of this section.

In subsection (c) of this section, the reference to "personal funds" is substituted for the former reference to the person being personally "liable" for clarity.

Defined terms: "Campaign finance report" § 1-101

"Incumbent" § 13-406

SUBTITLE 5. LOCAL PROVISIONS.

13-501. SPECIAL PROVISIONS -- PRINCE GEORGE'S COUNTY.

AS TO CONTRIBUTIONS TO THE PRINCE GEORGE'S COUNTY EXECUTIVE, A MEMBER OF THE PRINCE GEORGE'S COUNTY COUNCIL, OR A CANDIDATE FOR EITHER OF THOSE OFFICES, TITLE 15, SUBTITLE 8, PART IV OF THE STATE GOVERNMENT ARTICLE MAY APPLY.

REVISOR'S NOTE: This section is new language added for clarity.

Former Art. 33, § 13-301 is merged with closely-related provisions under Title 15, Subtitle 8, Part IV of the State Government Article.

Accordingly, several of the definitions under former Art. 33, § 13-301 are revised in § 15-829 of the State Government Article (specifically, former Art. 33, §§ 13-301(a)(4) ["contributor"], 13-301(a)(7) ["political action committee"], and 13-301(a)(8) ["slate"]).

In addition, former Art. 33, § 13-301(b), (c), and (d) are revised in SG § 15-831(e).

Former Art. 33, § 13-301(a)(1), (2), (3), (5), (6), (8), and (9) are deleted as unnecessary in light of the defined terms in SG § 15-829.

Defined term: "Contribution" § 1-101

13-502. SPECIAL PROVISIONS -- MONTGOMERY COUNTY.

AS TO CONTRIBUTIONS TO THE MONTGOMERY COUNTY EXECUTIVE, A MEMBER OF THE COUNTY COUNCIL OF MONTGOMERY COUNTY, OR A CANDIDATE FOR EITHER OF THOSE OFFICES, TITLE 15, SUBTITLE 8, PART V OF THE STATE GOVERNMENT ARTICLE MAY APPLY.

REVISOR'S NOTE: This section is new language added for clarity.

Former Art. 33, § 13-302 is merged with closely-related provisions under Title 15, Subtitle 8, Part V of the State Government Article.

Accordingly, several of the definitions under former Art. 33, § 13-302 are revised in § 15-838 of the State Government Article (specifically, former Art. 33, §§ 13-302(a)(4) ["contributor"], 13-302(a)(6) ["political action committee"], and 13-302(a)(8) ["slate"]).

In addition, former Art. 33, § 13-302(b) and (c) are revised in SG § 15-839(c).

Former Art. 33, § 13-302(a)(1), (2), (3), (5), (7), and (9) are deleted as unnecessary in light of the defined terms in SG § 15-838.

Defined term: "Contribution" § 1-101

13-503. SPECIAL PROVISIONS -- HOWARD COUNTY.

AS TO CONTRIBUTIONS TO THE HOWARD COUNTY EXECUTIVE, A MEMBER OF THE COUNTY COUNCIL OF HOWARD COUNTY, OR A CANDIDATE FOR EITHER OF THOSE OFFICES, TITLE 15, SUBTITLE 8, PART VII OF THE STATE GOVERNMENT ARTICLE MAY APPLY.

REVISOR'S NOTE: This section is new language added for clarity.

Former Art. 33, § 13-303 is merged with closely-related provisions under Title 15, Subtitle 8, Part VII of the State Government Article.

Accordingly, several of the definitions under former Art. 33, § 13-303 are

revised in § 15-848 of the State Government Article (specifically, former Art. 33, §§ 13-303(a)(5) ["contributor"] and 13-303(a)(7) ["political action committee"]).

In addition, former Art. 33, § 13-303(b) and (c) are revised in SG § 15-849(d).

Former Art. 33, § 13-303(a)(1), (2), (3), (4), (6), (8), and (9) are deleted as unnecessary in light of the defined terms in SG § 15-848.

Defined term: "Contribution" § 1-101

SUBTITLE 6. PROHIBITED ACTS AND PENALTIES.

13-601. FALSE STATEMENTS AND ENTRIES.

(A) FILINGS UNDER OATH.

A PERSON MAY NOT WILLFULLY MAKE A FALSE, FRAUDULENT, OR MISLEADING STATEMENT OR ENTRY IN ANY CAMPAIGN FINANCE REPORT OR OTHER FILING THAT IS UNDER OATH AND IS REQUIRED BY THIS ARTICLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF PERJURY AND ON CONVICTION SUBJECT TO THE PENALTY PROVIDED UNDER THE CRIMINAL LAW ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-601.

In subsection (a) of this section, the reference to a "person" is substituted for the former reference to any "candidate for office, treasurer, or subtreasurer, or by any member or officer of any political committee" for consistency with other provisions of this title.

Also in subsection (a) of this section, the reference to any "campaign finance report or other filing" is substituted for the former reference to any "statement or account" for clarity and completeness. A person is required to file statements other than "campaign finance reports", as that term is defined for this article. *See* General Revisor's Note to this title.

In subsection (b) of this section, the reference to the penalty for perjury as provided under "the Criminal Law Article" is substituted for the former reference to being "punishable as such according to the laws of this State" for clarity.

Defined terms: "Campaign finance report" § 1-101

"Person" § 1-101

13-602. PROHIBITED ACTS.**(A) ENUMERATED.**

(1) A PERSON MAY NOT DIRECTLY OR INDIRECTLY GIVE, OFFER, OR PROMISE MONEY, AID, A GIFT, AN ADVANTAGE, A PREFERMENT, AN EMOLUMENT, OR ANY OTHER VALUABLE THING TO ANOTHER PERSON FOR THE PURPOSE OF INDUCING OR PROCURING THAT PERSON TO VOTE OR REFRAIN FROM VOTING FOR OR AGAINST:

(I) AN INDIVIDUAL, QUESTION, OR MEASURE AT AN ELECTION OR POLITICAL CONVENTION; OR

(II) THE ELECTION OF AN OFFICER BY THE GENERAL ASSEMBLY.

(2) A PERSON MAY NOT DIRECTLY OR INDIRECTLY RECEIVE, ACCEPT, REQUEST, OR SOLICIT MONEY, AID, A GIFT, AN ADVANTAGE, A PREFERMENT, AN EMOLUMENT, OR ANY OTHER VALUABLE THING FROM ANOTHER PERSON FOR THE PURPOSE OF INDUCING OR PROCURING A THIRD PERSON TO VOTE OR REFRAIN FROM VOTING FOR OR AGAINST AN INDIVIDUAL, QUESTION, OR MEASURE AT AN ELECTION OR POLITICAL CONVENTION.

(3) A PERSON MAY NOT VOTE OR REFRAIN FROM VOTING FOR OR AGAINST AN INDIVIDUAL, QUESTION, OR MEASURE AT AN ELECTION OR A POLITICAL CONVENTION, IN CONSIDERATION OF MONEY, AID, A GIFT, AN ADVANTAGE, A PREFERMENT, AN EMOLUMENT, OR ANY OTHER VALUABLE THING PAID, RECEIVED, ACCEPTED, OR PROMISED TO THE ADVANTAGE OF THAT PERSON OR OF ANOTHER PERSON.

(4) (I) A PERSON, TO DEFRAY THE COSTS OF A CAMPAIGN FINANCE ENTITY, MAY NOT DIRECTLY OR INDIRECTLY PAY, GIVE, OR PROMISE MONEY OR ANY OTHER VALUABLE THING TO ANY PERSON OTHER THAN A CAMPAIGN FINANCE ENTITY.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO:

1. DUES REGULARLY PAID FOR MEMBERSHIP IN A POLITICAL CLUB IF ALL OF THE MONEY THAT IS SPENT BY THAT POLITICAL CLUB IN CONNECTION WITH ANY CAMPAIGN FINANCE ACTIVITY IS PAID THROUGH A TREASURER AS PROVIDED IN THIS TITLE;

2. AN INDIVIDUAL VOLUNTEERING THE INDIVIDUAL'S TIME OR PERSONAL VEHICLE IN ACCORDANCE WITH § 13-232 OF THIS TITLE;

3. AN EMPLOYER'S ACCUMULATION OF EMPLOYEE CONTRIBUTIONS IN ACCORDANCE WITH § 13-241 OF THIS TITLE; OR

4. ADVERTISING COSTS OR OTHER EXPENSES INCIDENT TO THE EXPRESSION OF PERSONAL VIEWS IN ACCORDANCE WITH § 13-102 OF THIS TITLE.

(5) A PERSON MAY NOT DIRECTLY OR INDIRECTLY PAY OR PROMISE TO PAY A CAMPAIGN FINANCE ENTITY IN A NAME OTHER THAN THE PERSON'S NAME.

(6) A RESPONSIBLE OFFICER OF A CAMPAIGN FINANCE ENTITY MAY NOT KNOWINGLY RECEIVE A PAYMENT OR PROMISE OF PAYMENT AND ENTER IT OR CAUSE IT TO BE ENTERED IN AN ACCOUNT BOOK IN A NAME THAT THE RESPONSIBLE OFFICER KNOWS IS NOT THE NAME OF THE PERSON THAT MADE THE PAYMENT OR THE PROMISE TO PAY.

(7) AN EMPLOYER WHO PAYS EMPLOYEES IN ENVELOPES MAY NOT MARK ON OR ENCLOSE IN THE ENVELOPES A POLITICAL MOTTO, DEVICE, OR ARGUMENT THAT CONTAINS EXPRESS OR IMPLIED THREATS INTENDED TO INFLUENCE THE POLITICAL OPINIONS OR ACTIONS OF THOSE EMPLOYEES.

(8) DURING THE 90 DAYS BEFORE AN ELECTION, AN EMPLOYER MAY NOT EXHIBIT IN THE EMPLOYER'S WORKPLACE:

(I) A THREAT, A NOTICE, OR INFORMATION THAT, ON THE ELECTION OR DEFEAT OF A PARTICULAR TICKET OR CANDIDATE:

1. WORK WILL CEASE, WHOLLY OR PARTLY;
2. THE WORKPLACE WILL CLOSE; OR
3. EMPLOYEES' WAGES WILL BE REDUCED; OR

(II) ANY OTHER THREAT, EXPRESSED OR IMPLIED, INTENDED TO INFLUENCE THE POLITICAL OPINIONS OR ACTIONS OF THE EMPLOYER'S EMPLOYEES.

(9) A PERSON MAY NOT PUBLISH OR DISTRIBUTE, OR CAUSE TO BE PUBLISHED OR DISTRIBUTED, CAMPAIGN MATERIAL THAT VIOLATES § 13-401 OF THIS TITLE.

(10) A CANDIDATE MAY NOT MAKE A PAYMENT, CONTRIBUTION, OR EXPENDITURE, OR INCUR A LIABILITY TO PAY, CONTRIBUTE, OR EXPEND, FROM THE CANDIDATE'S PERSONAL FUNDS ANY MONEY OR VALUABLE THING IN A MANNER NOT AUTHORIZED BY § 13-230 OF THIS TITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS:

(1) SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; AND

(2) INELIGIBLE TO HOLD ANY PUBLIC OR PARTY OFFICE FOR 4 YEARS AFTER THE DATE OF THE OFFENSE.

(C) PROSECUTION.

(1) THE STATE PROSECUTOR MAY PROSECUTE, IN ANY JURISDICTION OF THE STATE, A PERSON THAT THE STATE PROSECUTOR BELIEVES TO BE GUILTY OF A WILLFUL VIOLATION OF THIS SECTION.

(2) A STATE'S ATTORNEY MAY PROSECUTE A PERSON THAT THE STATE'S ATTORNEY BELIEVES TO BE GUILTY OF A WILLFUL VIOLATION OF THIS SECTION IN THE COUNTY IN WHICH THE STATE'S ATTORNEY SERVES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-602.

In subsection (a)(1), (2), and (3) of this section, the references to any "other" valuable thing are added for clarity and completeness in light of the references to "money, gift, advantage, preferment, aid, emolument" which also are valuable things.

In subsection (a)(1)(i), (2), and (3) of this section, the references to "an individual", question, or measure are substituted for the former reference to "a person", question, or measure for clarity.

In subsection (a)(1)(i) and (2) of this section, the reference to a "question" is substituted for the former reference to a "proposition" for consistency with the terminology used elsewhere in this article. *See, e.g.*, Title 7 of this article. Similarly, in subsection (a)(3) of this section, the reference to a "question" is added for consistency with the terminology in subsection (a)(1)(i) and (2) of this section and elsewhere in this article.

In subsection (a)(1) of this section, the reference to inducing or procuring "that" person to vote or refrain from voting is substituted for the former reference to inducing or procuring "any" person for clarity and to avoid ambiguity.

Also in subsection (a)(1) of this section, the former reference to "by himself or by another" is deleted as included in the reference to "directly or indirectly".

In subsection (a)(2) of this section, the former reference to a "candidate, committee, association, organization or corporation" is deleted as included in the reference to a "person".

Also in subsection (a)(2) of this section, the reference to a "third" person is substituted for the former reference to "any" person for clarity and to avoid ambiguity.

In subsection (a)(4)(i) of this section, the former phrase "towards defraying" is deleted as included in the reference to "defray".

Also in subsection (a)(4)(i) of this section, the phrase referencing the defraying of the costs of "a campaign finance entity" is substituted for the former reference to defraying the costs or expenses of "any campaign or

election" for clarity.

Also in subsection (a)(4)(i) of this section, the reference to a "campaign finance entity" is substituted for the former reference to "any person, committee, company, organization or association, other than to a treasurer or subtreasurer" for clarity and consistency with the terminology used in this title. *See* General Revisor's Note to this title and § 1-101 of this article.

In subsection (a)(4)(ii)1 of this section, the former reference to money expended by the club or in connection with the costs "or" expenses of any campaign or election is deleted as surplusage.

Also in subsection (a)(4)(ii)1 of this section, the word "title" is substituted for the former reference to "article" for clarity.

Also in subsection (a)(4)(ii)1 of this section, the former reference to a "subtreasurer" is deleted for consistency with § 13-218 of this title which holds the treasurer accountable for all assets of a campaign finance entity.

In subsection (a)(4)(ii)2 of this section, the reference to volunteering a vehicle "in accordance with § 13-232 of this title" is added for clarity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(4)(ii)2 of this section the reference to "volunteering [a] ... personal vehicle" is ambiguous. For example, if an individual grants a candidate complete control of the individual's personal vehicle in connection with an election campaign, is that donation treated as a "contribution" under the Election Law Article? The General Assembly may wish to clarify this issue.

In subsection (a)(5) and (6) of this section, the references to a "campaign finance entity" are substituted for the former references to a "treasurer or subtreasurer, or candidate" for clarity. *See* General Revisor's Note to this title and § 1-101 of this article. Similarly, in subsection (a)(6) of this section, the reference to a "responsible officer" is added for clarity. *See* § 1-101 of this article.

In subsection (a)(5) of this section, the former reference to a person paying "by himself or through another person" is deleted as included in the reference to a person paying "directly or indirectly".

In subsection (a)(7) of this section, the former references to "the salary or wages due" employees are deleted as unnecessary in light of the reference to an employer who "pays" the employees.

Also in subsection (a)(7) of this section, the former reference to that which is "written or printed" is deleted as included in the reference to "mark on".

In subsection (a)(7) and (8)(ii) of this section, the former reference to the

"calculated" threat of an employer is deleted as unnecessary in light of the reference to the employer's "intended" threat.

In subsection (a)(8) of this section, the references to an employer's "workplace" are substituted for the former references to an employer's "place or establishment" and "establishment" for clarity.

Also in subsection (a)(8) of this section, the reference to the period 90 days "before" an election is substituted for the former reference to the period 90 days "of" an election for clarity.

Also in subsection (a)(8) of this section, the former reference to an employer who "puts" material in a workplace is deleted as included in the reference to "exhibit".

Also in subsection (a)(8) of this section, the former reference to a "handbill or placard" is deleted in light of the prohibition against a "threat, a notice, or information".

Also in subsection (a)(8) of this section, the former reference to a workplace "where his employees are engaged in labor" is deleted in light of the reference to the "employer's" workplace.

In subsection (a)(9) of this section, the former reference to a "campaign advertisement" is deleted as superfluous in light of the use of the defined term "campaign material" and the reference to § 13-401 of this title. *See* § 1-101 of this article and § 13-401 of this title.

In subsection (a)(10) of this section, the former reference to "promot[ing]" a liability is deleted as redundant in light of the reference to the candidate "incur[ring]" a liability from the candidate's personal funds.

In subsection (b) of this section, the references to being "guilty of a misdemeanor" and a "conviction" are added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute, is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Dutton v. State*, 123 Md. 373, 378 (1914), and *Williams v. State*, 4 Md. App. 342, 347 (1968).

In subsection (c)(1) of this section, the former reference to "the regular course of criminal procedure" is deleted as unnecessary.

In subsection (c)(2) of this section, the former reference to "Baltimore City" is deleted as included in the definition of "county". *See* § 1-101 of this article.

Also in subsection (c)(2) of this section, with reference to the State's Attorney, the word "may" is substituted for the former reference to "shall be the duty of" because in the context of this subsection the requirement is

deemed to be directory and not mandatory.

Defined terms: "Campaign finance entity" § 1-101

"Campaign material" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

"County" § 1-101

"Election" § 1-101

"Expenditure" § 1-101

"Responsible officer" § 1-101

"Treasurer" § 1-101

13-603. OTHER VIOLATIONS -- CRIMINAL PENALTIES.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SUBTITLE, A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES A PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-603.

The former reference to the "discretion of the court" is deleted as implicit in setting maximum penalties.

The introductory clause "[e]xcept as otherwise expressly provided in this subtitle" is substituted for former Art. 33, § 13-603(b) and the introductory clause to former Art. 33, § 13-603(a) for brevity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the specific penalty provided for violating the prohibited practices (that arguably may be quite egregious behavior) specified under § 13-602 of this title is significantly less than the general criminal penalty for a violation of this title established under this section.

13-604. SAME -- CIVIL PENALTIES.

(A) IN GENERAL.

(1) A PERSON WHO VIOLATES A PROVISION OF THIS TITLE WITHOUT KNOWING THAT THE ACT IS ILLEGAL SHALL PAY A CIVIL PENALTY IN ACCORDANCE WITH SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.

(2) THE PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$5,000.

(3) AN INFRACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS A CIVIL OFFENSE.

(4) THIS SECTION DOES NOT APPLY TO A VIOLATION OF ANOTHER SECTION IN WHICH A PENALTY IS EXPRESSLY PROVIDED.

(B) CIVIL CITATION.

(1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH JURISDICTION DETERMINES THAT A PERSON UNINTENTIONALLY, AND WITHOUT CRIMINAL INTENT, HAS VIOLATED A PROVISION OF THIS TITLE, THE STATE PROSECUTOR, THE STATE'S ATTORNEY, OR BOTH, SHALL ISSUE TO THE PERSON A CIVIL CITATION THAT CONTAINS:

- (I) THE NAME AND ADDRESS OF THE PERSON CITED;
- (II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;
- (III) THE MANNER IN WHICH THE VIOLATION OCCURRED;
- (IV) THE MAXIMUM PENALTY FOR THE VIOLATION;
- (V) THE MANNER AND TIME IN WHICH TO PAY THE PENALTY;
- (VI) WHERE TO PAY THE PENALTY; AND

(VII) A STATEMENT THAT THE PERSON RECEIVING THE CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.

(2) THE PROSECUTING AUTHORITY WHO ISSUES A CITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE IT IN THE DISTRICT COURT.

(C) SERVICE.

THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

(D) TRIAL IN DISTRICT COURT; ADJUDICATION OF VIOLATION.

(1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE PERSON NAMED IN THE CITATION OF THE TRIAL DATE.

(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER ARTICLE 23A, § 3(B)(8) THROUGH (15) OF THE CODE.

(3) THE DISTRICT COURT SHALL REMIT TO THE STATE BOARD ALL LATE FEES COLLECTED.

(4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:

- (I) IS NOT A CRIMINAL CONVICTION; AND

(II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES THAT ARISE FROM A CRIMINAL CONVICTION.

(E) COSTS.

A PERSON WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE COST OF THE DISTRICT COURT PROCEEDINGS.

(F) FAILURE TO APPEAR.

IF A PERSON WHO HAS BEEN SERVED WITH A CITATION FAILS TO APPEAR FOR TRIAL, THE COURT, AT THE REQUEST OF THE PROSECUTOR, MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE PERSON:

(1) IN FAVOR OF THE STATE BOARD;

(2) IN ACCORDANCE WITH THE MARYLAND RULES; AND

(3) IN AN AMOUNT NOT EXCEEDING THE MAXIMUM FINE SET FORTH IN SUBSECTION (A) OF THIS SECTION AND ANY LATE FEES OWED TO THE STATE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-604.

In subsections (a)(1) and (2) and (b)(1)(iv), (v), and (vi) of this section, the references to a "penalty" are substituted for the former references to a "fine" for clarity.

In subsection (b)(2) of this section, the requirement that "[t]he prosecuting authority" file a citation in the District Court is added as implicit.

Also in subsection (b)(2) of this section, the former reference to the District Court "having proper venue" is deleted in light of the general venue provisions in CJ § 6-201.

In subsection (c) of this section, the requirement that "[t]he citation shall be served in accordance with the Maryland Rules" is substituted for former Art. 33, § 13-604(c) and (d) for clarity, specificity, and accuracy.

In subsection (d)(2) of this section, the former phrase "and to the same extent" is deleted as surplusage.

In subsection (d)(3) of this section, the requirement that the "District Court" remit certain late fees that it collects to the State Board is added as implicit.

In subsection (d)(4) of this section, the former word "ordinarily", referencing civil disabilities that arise from a civil conviction, is deleted as surplusage.

Also in subsection (d)(4) of this section, the phrase referencing an adjudication that does not "carry with it" certain civil disabilities is substituted for the former reference to an adjudication that does not "impose" any civil disabilities for clarity.

In subsection (e) of this section, the reference to a person who is "adjudicated in" violation of the law is substituted for the former reference to a person "found to have committed" the violation for consistency with subsection (d)(4) of this section.

In subsection (f) of this section, the reference to the authority of a court to "enter" a civil judgment is substituted for the former reference to the "grant" of a civil judgment for accuracy.

Defined term: "State Board" § 1-101

13-605. INJUNCTION.

(A) IN GENERAL.

THE SECRETARY OF STATE MAY SEEK AN IMMEDIATE INJUNCTION AGAINST ANY VIOLATION OF THIS TITLE.

(B) VIOLATION OF INJUNCTION.

A PERSON WHO VIOLATES AN INJUNCTION ISSUED UNDER THIS SECTION:

(1) IS IN CRIMINAL CONTEMPT; AND

(2) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-605.

In subsection (b)(2) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which was only implied in the former law by reference to a "conviction". In this State, any crime that was not a felony at common law and has not been declared a felony by statute, is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Dutton v. State*, 123 Md. 373, 378 (1914), and *Williams v. State*, 4 Md. App. 342, 347 (1968).

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a) of this section that the "Secretary of State" seek an injunction against any violation of the campaign finance law may be obsolete. The General Assembly may wish to give this enforcement power to the State Board of Elections rather than the Secretary of State.

Defined term: "State Board" § 1-101

GENERAL REVISOR'S NOTE TO TITLE:

Throughout this title, the defined term "campaign finance report" is substituted for the former references to a "report", "campaign fund report", "report of contributions and expenditures", "statement", and other similar references for clarity and consistency. *See* § 1-101 of this article for the definition of "campaign finance report".

Also throughout this title, the defined term "campaign finance entity" is substituted for the former references to a "political committee", "candidate", "candidate and treasurer", "treasurer and chairman", "authorized candidate campaign committee", "slate", "treasurer of [a] slate", and other similar references, as appropriate, for clarity, brevity, and consistency. *See* § 1-101 of this article for the definition of "campaign finance entity".

Also throughout this title, the former references to a "candidate for nomination or election to public or private office" are deleted as included in the definition of "candidate". *See* § 1-101 of this article for the definition of "candidate".

Also throughout this title, the former references to "Baltimore City" are deleted in light of the definition of "county". *See* § 1-101 of this article for the definition of "county".

Also throughout this title, the reference to a "continuing political committee" to describe a political committee which continues in existence from year to year, are added for clarity. For the definition of "continuing political committee", *see* § 1-101 of this article.

Also throughout this title, the former phrase "including political clubs" is deleted as redundant and for consistency with the advice provided by the Attorney General indicating that in all cases a reference to a "political committee" includes a political club unless expressly excluded. *See* Letter of Advice dated January 23, 1978, to the Honorable Donald P. Hutchinson, Maryland State Senate, from George A. Nilson, Deputy Attorney General. In accordance with this advice, the Election Law Article Review Committee has deleted all references to "including political club[s]" and retained specific references to a political club only in those instances where former Article 33 expressly excluded a political club from a provision that otherwise was intended to apply to all political committees.

TITLE 14. DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS.

14-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 14-101(a).

The only changes are in style.

(B) APPLICABLE CONTRIBUTION.

"APPLICABLE CONTRIBUTION" MEANS A CONTRIBUTION TO A CANDIDATE, OR A SERIES OF SUCH CONTRIBUTIONS, IN A CUMULATIVE AMOUNT IN EXCESS OF \$500.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 14-101(e)(1).

The defined term "[a]pplicable contribution" is substituted for the former defined term "contribution" for clarity and accuracy in order to distinguish an "applicable contribution" from a regular "contribution". See § 1-101 of this article.

The phrase "a contribution to a candidate, or a series of such contributions, in a cumulative amount" is added for clarity and consistency with the other provisions of this title.

The former reference to a "gift, donation, or payment of money" is deleted in light of the use of the defined term "contribution". See § 1-101 of this article and subsection (f) of this section.

(C) BUSINESS ENTITY.

"BUSINESS ENTITY" INCLUDES A FIRM, CORPORATION, TRUST, UNINCORPORATED ASSOCIATION, OR OTHER ORGANIZATION, WHETHER OR NOT CONDUCTED FOR PROFIT.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 14-101(c).

No changes are made.

(D) CANDIDATE.

"CANDIDATE" INCLUDES AN INCUMBENT OFFICE HOLDER.

REVISOR'S NOTE: This subsection is new language derived without substantive change from part of former Art. 33, § 14-101(d), as it defined "candidate" to include an incumbent office holder.

The balance of former Art. 33, § 14-101(d) is revised in § 14-103 of this subtitle.

(E) CONTRACT.

"CONTRACT" INCLUDES A SALE, PURCHASE, LEASE, OR OTHER AGREEMENT.

REVISOR'S NOTE: This subsection is new language added for clarity and brevity in order to avoid the repetitive use of the phrase "sale[s], purchase[s], lease[s], or contract[s]".

(F) CONTRIBUTION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, "CONTRIBUTION" HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

(2) "CONTRIBUTION" DOES NOT INCLUDE:

(I) A BONA FIDE GIFT BY A SPOUSE OR RELATIVE WITHIN THE THIRD DEGREE OF CONSANGUINITY; OR

(II) AN HONORARY MEMBERSHIP IN A SOCIAL, SERVICE, OR FRATERNAL ORGANIZATION PRESENTED AS A COURTESY BY THE ORGANIZATION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 14-101(e), except as it set a threshold of \$500.

The balance of former Art. 33, § 14-101(e) is revised in § 14-101(b) of this subtitle.

The former statement that a contribution includes the "purchase of a ticket or tickets" is deleted in light of the definition of a "contribution" in § 1-101 of this article. Similarly, the former reference to "payment for admission to a dinner, barbecue, fish fry, or other like event" is deleted.

(G) DOING PUBLIC BUSINESS.

(1) "DOING PUBLIC BUSINESS" MEANS MAKING, DURING ANY 12-MONTH PERIOD, ONE OR MORE CONTRACTS WITH ONE OR MORE GOVERNMENTAL ENTITIES INVOLVING CUMULATIVE CONSIDERATION OF AT LEAST \$100,000.

(2) "DOING PUBLIC BUSINESS" DOES NOT INCLUDE RECEIVING A SALARY FROM A GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 14-101(b)(2) and the first and third sentences of (1).

The word "public" is added to the definition of "business" for clarity and for consistency with the description of this title.

In paragraph (1) of this subsection, the defined term "contract[s]" is substituted for the former reference to "sales, purchases, leases, or contracts" for brevity.

Also in paragraph (1) of this subsection, the word "more" is substituted for the former phrase "combination of" for clarity.

Also in paragraph (1) of this subsection, the reference to contracts entered into "during any 12-month period" is substituted for the former reference to contracts entered into "during the twelve months immediately preceding

the end of the reporting period for which the statement required under this title is filed" for clarity and consistency with the operative provisions of this title. *See, e.g.*, § 14-104 of this title.

(H) GOVERNMENTAL ENTITY.

"GOVERNMENTAL ENTITY" MEANS:

(1) THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE; AND

(2) A UNIT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 14-101(g).

In items (1) and (2) of this subsection, the references to an "other political subdivision of the State" are added for clarity and to conform to the other provisions of this title.

In item (2) of this subsection, the reference to a "unit" is substituted for the former reference to "agencies" for clarity. *See* General Revisor's Note to this article.

REVISOR'S NOTE TO SECTION:

Former Art. 33, § 14-101(f), which defined "person" to include "an individual and a business entity", is deleted as unnecessary in light of Art. 1, § 15.

14-102. APPLICABILITY.

FOR PURPOSES OF THIS TITLE, WORDS AND PHRASES DEFINED UNDER § 1-101 OF THIS ARTICLE SHALL BE DEEMED, AS THE CASE MAY BE, TO INCLUDE OR APPLY TO AN INDIVIDUAL WHO SEEKS OR HOLDS ELECTIVE OFFICE IN A MUNICIPAL CORPORATION AND A CAMPAIGN FUNDRAISING ENTITY FOR THAT INDIVIDUAL.

REVISOR'S NOTE: This section is new language added to clarify that this title applies to certain campaign contributions to candidates for election to, and elected office holders in, municipal corporations.

14-103. ATTRIBUTION OF CONTRIBUTION TO CANDIDATE.

A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY OF A CANDIDATE SHALL BE DEEMED TO BE A CONTRIBUTION TO THE CANDIDATE FOR THE PURPOSES OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 14-101(d), as it concerned campaign finance entities.

The defined term "campaign finance entity" is substituted for the former reference to "a political committee". *See* General Revisor's Note to this article and § 1-101 of this article.

The balance of former Art. 33, § 14-101(d) is revised in § 14-101(d) of this subtitle.

Defined terms: "Campaign finance entity" § 1-101

"Candidate" § 1-101

"Contribution" § 1-101

14-104. STATEMENT OF CONTRIBUTIONS.

(A) IN GENERAL.

A PERSON DOING PUBLIC BUSINESS SHALL FILE A STATEMENT WITH THE STATE BOARD AS PROVIDED IN THIS SECTION.

(B) REQUIREMENT.

(1) WHEN A CONTRACT IS MADE THAT CAUSES A PERSON TO BE DOING PUBLIC BUSINESS, AN INITIAL STATEMENT SHALL BE FILED:

(I) AT THAT TIME, COVERING THE PRECEDING 24 MONTHS, IF THE PERSON HAS MADE AN APPLICABLE CONTRIBUTION WITHIN THAT PERIOD; OR

(II) IF SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY, BUT THE PERSON SUBSEQUENTLY MAKES AN APPLICABLE CONTRIBUTION DURING A REPORTING PERIOD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, AS REQUIRED BY THAT PARAGRAPH.

(2) (I) A PERSON SHALL FILE A SEMI-ANNUAL STATEMENT IN ACCORDANCE WITH THIS PARAGRAPH FOR EACH REPORTING PERIOD SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH IN WHICH THE PERSON HAS MADE AN APPLICABLE CONTRIBUTION IF:

1. PERFORMANCE REMAINS UNCOMPLETED ON ANY CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS; OR

2. THE PERSON IS DOING PUBLIC BUSINESS.

(II) 1. THE STATEMENTS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL COVER 6-MONTH REPORTING PERIODS ENDING ON JANUARY 31 AND JULY 31.

2. A STATEMENT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE FILED WITHIN 5 DAYS AFTER THE END OF THE APPLICABLE REPORTING PERIOD.

(C) CONTENTS AND OATH.

(1) THE STATEMENT REQUIRED BY THIS SECTION SHALL BE MADE UNDER OATH AND SHALL CONTAIN:

(I) THE NAME OF EACH CANDIDATE TO WHOM AN APPLICABLE CONTRIBUTION WAS MADE OR CAUSED TO BE MADE DURING THE REPORTING PERIOD AND, IF NOT PREVIOUSLY REPORTED, DURING THE PRECEDING REPORTING PERIOD;

(II) THE OFFICE SOUGHT BY EACH CANDIDATE NAMED IN ITEM (I) OF THIS PARAGRAPH;

(III) THE AMOUNT OF AGGREGATE CONTRIBUTIONS MADE TO EACH CANDIDATE NAMED IN ITEM (I) OF THIS PARAGRAPH;

(IV) THE NAME OF EACH UNIT OF A GOVERNMENTAL ENTITY WITH WHICH THE PERSON DID PUBLIC BUSINESS DURING THE REPORTING PERIOD;

(V) THE NATURE AND AMOUNT OF PUBLIC BUSINESS DONE WITH EACH UNIT OF A GOVERNMENTAL ENTITY; AND

(VI) IF THE PUBLIC BUSINESS WAS DONE OR THE CONTRIBUTION WAS MADE BY ANOTHER PERSON BUT IS ATTRIBUTED TO THE PERSON FILING THE STATEMENT, THE NAME OF THE PERSON WHO DID THE PUBLIC BUSINESS OR MADE THE CONTRIBUTION AND THE RELATIONSHIP OF THAT PERSON TO THE PERSON FILING THE STATEMENT.

(2) THE INFORMATION REQUIRED BY PARAGRAPH (1)(IV) AND (V) OF THIS SUBSECTION MAY BE OMITTED ON THE WRITTEN APPROVAL OF THE ATTORNEY GENERAL IF THE ATTORNEY GENERAL FINDS THAT:

(I) REQUIRING THE INFORMATION WOULD BE UNDULY BURDENSOME;

(II) THE PUBLIC INTEREST WOULD NOT BE IMPAIRED SUBSTANTIALLY BY THE OMISSION OF THIS INFORMATION; AND

(III) THE PERSON FILING THE STATEMENT STIPULATES THAT THE PERSON HAS DONE PUBLIC BUSINESS DURING THE REPORTING PERIOD.

(D) CUSTODIAN.

(1) THE STATE BOARD SHALL RETAIN EACH STATEMENT FILED UNDER THIS TITLE AS A PUBLIC RECORD FOR AT LEAST 2 YEARS AFTER ITS RECEIPT AND SHALL MAKE THE STATEMENT AVAILABLE FOR PUBLIC EXAMINATION AND COPYING DURING NORMAL OFFICE HOURS.

(2) THE STATE BOARD MAY ESTABLISH REASONABLE FEES AND ADMINISTRATIVE PROCEDURES GOVERNING PUBLIC EXAMINATION AND COPYING OF THE STATEMENTS FILED UNDER THIS SECTION.

(E) FORMS.

THE STATE BOARD SHALL PRESCRIBE AND MAKE AVAILABLE FORMS FOR THE STATEMENTS REQUIRED BY THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 14-102.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that former Art. 33, § 14-102 is ambiguous and inconsistent in parts and, as a consequence, is not a model of clarity regarding the schedule for filing initial reports of contributions, the trigger for reporting contributions, and the period during which reporting is required in the absence of new contracts. The revision encompassed by this section represents an interpretation that is consistent with the advice of, and the administration of this title by, the State Board, and with the notice and reporting requirements under §§ 13-218, 13-221, and 17-402 of the State Finance and Procurement Article.

In subsection (b)(1) of this section, the reference to the time a contract is "made" is substituted for the former reference to the "completion" of the contract, for clarity, specificity, and consistency with the legal advice provided to the State Board in a letter dated June 19, 1998, to Helen L. Koss, Chairman of the State Administrative Board of Elections, et al, from Kathleen Hoke Dachille, Assistant Attorney General, advising the State Board that the execution of the sale, purchase, lease, or contract should be the operative standard.

Also in subsection (b)(1) of this section, the phrase "24 months" is substituted for the former reference to the "2 calendar years" for clarity and specificity and to avoid a gap, which the Election Law Article Review Committee presumes to be unintended, in the required reporting period of applicable contributions and for consistency with the advice given to the State Board in the Dachille letter dated June 19, 1998, to Helen L. Koss referenced above. Similarly, the reference to the "initial" reporting period is added.

In subsection (b)(1)(i) and (ii) of this section, the references to the defined term "applicable contributions" are added. *See* § 14-101 of this title.

In subsection (c)(1)(iv) and (v) of this section, the defined term "governmental entity" is substituted for the former references to "the State, a county, municipal corporation, or other political subdivision" for clarity and brevity.

Also in subsection (c)(1)(iv) and (v) of this section, the references to a "unit" are added. *See* General Revisor's Note to this article.

In subsection (c)(1)(vi) of this section, the former reference to statements filed "under § 14-103 of this title" is deleted as surplusage.

In subsection (c)(2)(iii) of this section, the former reference to a person who has done "the requisite" public business is deleted as surplusage.

Also in subsection (c)(2)(iii) of this section, the reference to the "reporting period" is substituted for the former reference to "the period in question" for clarity.

Also in subsection (c)(2)(iii) of this section, the former reference to business done "in the amount of \$100,000 or more" is deleted in light of the defined term "do[ing] public business".

In subsection (d)(1) of this section, the former reference to filing a statement "with the State Board" is deleted in light of subsection (a) of this section to the same effect.

In subsection (e) of this section, the word "prescribe" is substituted for the former word "prepare" for clarity and consistency with the terminology used in Title 13 of this article.

Defined terms: "Applicable contribution" § 14-101

"Candidate" § 14-101

"Contract" § 14-101

"Contribution" § 1-101

"Doing public business" § 14-101

"Governmental entity" § 14-101

"State Board" § 1-101

14-105. ATTRIBUTABLE CONTRIBUTIONS.

(A) BUSINESS ENTITIES.

EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A CONTRIBUTION MADE BY AN OFFICER, DIRECTOR, OR PARTNER OF A BUSINESS ENTITY OR, IF MADE AT THE SUGGESTION OR DIRECTION OF A BUSINESS ENTITY, BY AN EMPLOYEE, AGENT, OR OTHER PERSON, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY.

(B) OFFICERS, DIRECTORS, AND PARTNERS.

EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, EACH OFFICER, DIRECTOR, OR PARTNER OF A BUSINESS ENTITY WHO MAKES OR CAUSES TO BE MADE A CONTRIBUTION SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY.

(C) EMPLOYEES, AGENTS, AND OTHER AFFILIATED PERSONS.

EACH EMPLOYEE, AGENT, OR OTHER PERSON WHO, AT THE SUGGESTION OR DIRECTION OF A BUSINESS ENTITY, MAKES A CONTRIBUTION OR CAUSES A CONTRIBUTION TO BE MADE, SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY.

(D) SUBSIDIARY BUSINESS ENTITIES.

(1) BUSINESS DONE WITH A GOVERNMENTAL ENTITY BY A SUBSIDIARY OF A BUSINESS ENTITY SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY IF 30% OR MORE OF THE EQUITY OF THE SUBSIDIARY IS OWNED OR CONTROLLED BY THE BUSINESS ENTITY.

(2) CONTRIBUTIONS MADE BY, CAUSED TO BE MADE BY, OR ATTRIBUTED TO A SUBSIDIARY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY.

(E) NOT-FOR-PROFIT ORGANIZATIONS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTION MADE BY AN INDIVIDUAL WHO SERVES AS A TRUSTEE OR MEMBER OF THE BOARD OF DIRECTORS OF A NOT-FOR-PROFIT ORGANIZATION IS NOT ATTRIBUTABLE TO THE ORGANIZATION, AND THE INDIVIDUAL IS NOT REQUIRED TO REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE ORGANIZATION.

(2) THIS SUBSECTION DOES NOT APPLY IF:

(I) THE CONTRIBUTION IS MADE ON THE RECOMMENDATION OF THE NOT-FOR-PROFIT ORGANIZATION; OR

(II) THE INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS PAID BY THE NOT-FOR-PROFIT ORGANIZATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 14-103 and 14-101(h).

In this section, the reference to a "contribution" by an officer, director, partner, employee, agent, etc., which must be reported to, and be attributed to, a business entity, is revised to apply to all contributions - and not merely applicable contributions (*i.e.*, those contributions in excess of \$500) - made by each such officer, director, partner, employee, agent, etc. The Election Law Article Review Committee presumes that this is the intent of the General Assembly.

In subsection (a) of this section, the former requirement that certain contributions "be included in the statement filed by the business entity as though made directly by it" is deleted as implicit in the requirement that the contributions be "attributed to the business entity" and reported by the business entity under § 14-104 of this title. Similarly, in subsections (d) and (e) of this section, respectively, the former phrases "included in the statement filed by the parent" and "included in the statement of contributions filed by the organization", respectively, are deleted.

Also in subsection (a) of this section, the former phrase "[f]or the purposes of this title," is deleted as surplusage. Similarly, in subsections (d)(2) and (e)(2) of this section, the former phrase "for purposes of this title" is

deleted.

In subsections (b) and (c) of this section, the former phrase "so that it may be included in the statement filed by the business entity" is deleted as surplusage. Similarly, in subsection (e) of this section, the former requirement that a contribution is "[r]equired to be included in the statement of contributions filed by the organization under this title" is deleted.

In subsection (b) of this section, the disjunctive reference to each officer, director, "or" partner of a business entity is substituted for the former conjunctive, misleading, and ambiguous reference to each officer, director, "and" partner of a business entity for clarity.

Also in subsection (b) of this section, the former reference to a contribution "which, if made by the business entity, would have to be disclosed under this title" is deleted as included in the attribution standard under subsection (a) of this section.

Defined terms: "Business entity" § 14-101

"Contribution" § 1-101

14-106. CONTRACTS -- TIME OF ATTRIBUTION.

IF A CONTRACT INVOLVES CONSIDERATION TO BE PAID OVER MULTIPLE REPORTING PERIODS, THE TOTAL ASCERTAINABLE CONSIDERATION TO BE PAID UNDER THE CONTRACT SHALL BE ATTRIBUTABLE TO THE DATE WHEN THE CONTRACT IS MADE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 33, § 14-101(b)(1).

The defined term "contract" is substituted for the former reference to an "agreement" for consistency with other provisions of this title.

The reference to consideration "attributable to" the date of execution is substituted for the former reference to "business done during" the reporting period for clarity and consistency with the operative provisions of this title.

Defined term: "Contract" § 14-101

14-107. VIOLATIONS.

(A) IN GENERAL.

A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) DERIVATIVE LIABILITY.

AN OFFICER OR PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY AUTHORIZES OR PARTICIPATES IN A VIOLATION OF THIS TITLE BY THE BUSINESS ENTITY IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 14-104(a).

In subsection (a) of this section, the word "violates" is substituted for the former phrase "fails to comply with the requirements of" for clarity.

In subsection (b) of this section, the former reference to a business entity that is "not a natural person" is deleted as surplusage.

Defined term: "Business entity" § 14-101

14-108. LIBERAL CONSTRUCTION.

THIS TITLE SHALL BE LIBERALLY CONSTRUED TO REQUIRE FULL DISCLOSURE.

REVISOR'S NOTE: This section formerly was Art. 33, § 14-104(b).

No changes are made.

TITLE 15. PUBLIC FINANCING ACT.**15-101. PURPOSE.**

THE GENERAL ASSEMBLY RECOGNIZES THAT OUR SYSTEM OF REPRESENTATIVE GOVERNMENT DEPENDS IN PART ON GUARANTEEING THAT ELECTION CAMPAIGNS ARE FUNDED BY AND FOR THE PEOPLE AND ON ELIMINATING THE CORRUPTING AND UNDEMOCRATIC EFFECTS OF LARGE PRIVATE CONTRIBUTIONS. ACCORDINGLY, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT AN EQUITABLE MEANS OF PUBLIC CAMPAIGN FINANCING IS NECESSARY IN THESE TIMES IN ORDER FOR REPRESENTATIVE DEMOCRACY TO CONTINUE TO FUNCTION EFFECTIVELY.

REVISOR'S NOTE: This section formerly was Art. 33, § 15-101.

The only changes are in style.

Defined term: "Election" § 1-101

15-102. DEFINITIONS.**(A) IN GENERAL.**

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 15-102(a).

The former phrase "unless otherwise provided" is deleted as an unnecessary statement of a normal rule of statutory construction.

The only other changes are in style.

(B) COMPTRROLLER.

"COMPTRROLLER" MEANS THE COMPTRROLLER OF THE STATE.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 15-102(c).

The only changes are in style.

(C) ELIGIBLE GUBERNATORIAL TICKET.

"ELIGIBLE GUBERNATORIAL TICKET" MEANS A GUBERNATORIAL TICKET THAT QUALIFIES TO RECEIVE A PUBLIC CONTRIBUTION.

REVISOR'S NOTE: This subsection formerly was Art. 33, § 15-102(d).

As to the substitution of the phrase "gubernatorial ticket" for the former word "candidate", *see* the Revisor's Note to subsection (f) of this section.

The only other changes are in style.

(D) ELIGIBLE PRIVATE CONTRIBUTION.

"ELIGIBLE PRIVATE CONTRIBUTION" MEANS THAT PART OF A MONETARY OR IN-KIND CONTRIBUTION OR SERIES OF CONTRIBUTIONS FROM AN INDIVIDUAL THAT DOES NOT EXCEED \$250.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 15-102(e).

The former reference to a "campaign" contribution is deleted in light of the definition of "contribution" in § 1-101 of this article.

Defined term: "Contribution" § 1-101

(E) FUND.

"FUND" MEANS THE "FAIR CAMPAIGN FINANCING FUND".

REVISOR'S NOTE: This subsection formerly was Art. 33, § 15-102(f).

No changes are made.

(F) GUBERNATORIAL TICKET.

"GUBERNATORIAL TICKET" MEANS A GOVERNOR-LIEUTENANT GOVERNOR UNIT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 15-102(b).

The term "[g]ubernatorial ticket" is substituted for the former term "[c]andidate" for clarity and because the Governor and Lieutenant Governor may not run for office as *individual* candidates but must run as a unit. Moreover, the defined term "candidate" is used throughout this article to mean *an* individual who runs for office. *See* § 1-101 of this article.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that this title appears to envision that a gubernatorial ticket must formally file a certificate of candidacy as a unit *before* seeking to qualify for public financing under this title. Current law apparently excludes an *individual* seeking the gubernatorial nomination from being eligible to qualify for public financing in the early stages of an election campaign *before* the individual has formally designated a lieutenant governor candidate as a running mate under § 5-205 of this article. This result seems anomalous in light of the usual treatment of a governor and lieutenant governor candidate under this article wherein *each* candidate has a separate contribution limit per election cycle. *See, e.g.*, letter dated July 30, 1997 from Mary O. Lunden, Assistant Attorney General, to Bruce L. Marcus, Esquire.

(G) PUBLIC CONTRIBUTION.

"PUBLIC CONTRIBUTION" MEANS MONEY DISTRIBUTED FROM THE FUND TO A GUBERNATORIAL TICKET UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 15-102(g).

As to the substitution of the phrase "gubernatorial ticket" for the former word "candidate", *see* the Revisor's Note to subsection (f) of this section.

(H) SEED MONEY.

"SEED MONEY" MEANS CUMULATIVE ELIGIBLE PRIVATE CONTRIBUTIONS EQUALING 10% OR MORE OF THE EXPENDITURE LIMIT PRESCRIBED UNDER § 15-105 OF THIS TITLE FOR AN ELECTION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 33, § 15-102(h).

The reference to contributions equaling 10% "or more" of the expenditure limit is added for clarity.

The reference to "cumulative" eligible private contributions is substituted for the former reference to "a sum of lawfully raised" eligible private contributions for clarity.

The former reference to "lawfully raised" eligible private contributions is deleted as surplusage. Similarly, the former reference to the "maximum campaign" expenditure limit is deleted.

(I) TREASURER.

(1) "TREASURER" HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

(2) "TREASURER" INCLUDES A SUBTREASURER.

REVISOR'S NOTE: Paragraph (1) of this subsection is new language added for clarity.

Paragraph (2) of this subsection is new language derived without substantive change from former Art. 33, § 15-102(i).

In paragraph (2) of this section, the former reference to a "campaign" subtreasurer is deleted as surplusage.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the inclusion of a "subtreasurer" in the definition of "treasurer" may have substantive implications and raises questions concerning the rights, duties, responsibilities, and personal liability of the subtreasurer under this title as compared to the rights, duties, responsibilities, and personal liability of subtreasurers under the other provisions of this article. Elsewhere in this article, subtreasurers generally provide administrative assistance to the treasurer, but are not granted the same authority nor held to the same standards as treasurers.

15-103. FAIR CAMPAIGN FINANCING FUND.

(A) ESTABLISHED.

THERE IS A FAIR CAMPAIGN FINANCING FUND.

(B) ADMINISTRATION.

THE COMPTROLLER SHALL ADMINISTER THE FUND IN ACCORDANCE WITH THIS SECTION.

(C) TAX ADD-ON SYSTEM.

FOR EACH TAXABLE YEAR, THE COMPTROLLER SHALL ESTABLISH A TAX ADD-ON SYSTEM THAT ALLOWS CONTRIBUTIONS TO THE FUND:

(1) BY AN INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN; AND

(2) IN AN AMOUNT NOT TO EXCEED \$500.

(D) MONEY IN FUND.

IN ACCORDANCE WITH THIS TITLE, THE COMPTROLLER SHALL:

(1) CREDIT TO THE FUND ALL MONEY COLLECTED UNDER THIS TITLE;

(2) SUBJECT TO THE USUAL INVESTING PROCEDURES FOR STATE FUNDS, INVEST THE MONEY IN THE FUND; AND

(3) MAKE DISTRIBUTIONS FROM THE FUND PROMPTLY ON AUTHORIZATION BY THE STATE BOARD.

(E) PROCEDURE FOR DISTRIBUTIONS.

THE COMPTROLLER SHALL DISTRIBUTE PUBLIC CONTRIBUTIONS:

(1) ONLY ON AUTHORIZATION OF THE STATE BOARD; AND

(2) AS TO EACH ELIGIBLE GUBERNATORIAL TICKET, TO THE SAME CAMPAIGN ACCOUNT OF A SINGLE CAMPAIGN FINANCE ENTITY ESTABLISHED UNDER TITLE 13, SUBTITLE 2 OF THIS ARTICLE.

(F) REPORT OF FUND BALANCE.

THE COMPTROLLER SHALL SUBMIT A STATEMENT OF THE FUND'S BALANCE TO THE STATE BOARD AT THE STATE BOARD'S REQUEST AND ON MAY 15 OF EACH YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 15-109 and 15-104(a), (f), and (e)(2).

In subsection (c) of this section, the former reference to a limit "per tax filer" is deleted as surplusage and as included in the reference to an "individual".

In subsection (e)(2) of this section, the defined term "eligible gubernatorial ticket" is substituted for the former phrase "eligible candidate". See the Revisor's Note to § 15-102(c) and (f), respectively, of this title.

Also in subsection (e)(2) of this section, the phrase "the same campaign account of a single campaign finance entity" is substituted for the former phrase "single campaign depository" for consistency with the terminology used throughout this article. See General Revisor's Note to Title 13 of this article and the defined term "campaign finance entity" in § 1-101 of this article.

Defined terms: "Campaign finance entity" § 1-101

"Comptroller" § 15-102

"Contribution" § 1-101

"Eligible gubernatorial ticket" § 15-102

"Fund" § 15-102

"State Board" § 1-101

15-104. ELIGIBLE GUBERNATORIAL TICKET -- QUALIFICATION.

A GUBERNATORIAL TICKET IS QUALIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR AN ELECTION ON THE DATE SPECIFIED BY REGULATION ADOPTED UNDER THIS TITLE IF:

(1) THE GUBERNATORIAL TICKET HAS RAISED SEED MONEY;

(2) THE SEED MONEY IS REFUNDABLE ONLY IF THE GUBERNATORIAL TICKET WITHDRAWS AS A GUBERNATORIAL TICKET; AND

(3) AS CERTIFIED BY THE GUBERNATORIAL TICKET'S TREASURER ON A FORM PRESCRIBED BY THE STATE BOARD, THE SEED MONEY WAS:

(I) RAISED IN ACCORDANCE WITH THIS TITLE; AND

(II) RECEIVED AFTER MARCH 1 OF THE YEAR IMMEDIATELY PRECEDING THE YEAR OF THAT ELECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 15-105(a).

In the introductory language of this section, the phrase "for an election" is added for clarity and accuracy.

In item (2) of this section, the reference to withdrawing as a "gubernatorial ticket" is substituted for the former reference to withdrawing "from the ballot" for accuracy.

As to the substitution of the defined term "gubernatorial ticket" for the former reference to a "candidate", *see* the Revisor's Note to § 15-102(f) of this title.

Defined terms: "Gubernatorial ticket" § 15-102

"Public contribution" § 15-102

"Seed money" § 15-102

"State Board" § 1-101

"Treasurer" § 1-101

15-105. SAME -- EXPENDITURE LIMITATION.

(A) IN GENERAL.

(1) A GUBERNATORIAL TICKET THAT ACCEPTS A PUBLIC CONTRIBUTION FROM THE FUND FOR AN ELECTION MAY NOT SPEND, IN THAT ELECTION, MORE THAN THE PRODUCT OF 30 CENTS, ADJUSTED ANNUALLY BEGINNING JANUARY 1, 1997, IN ACCORDANCE WITH THE CONSUMER PRICE INDEX, TIMES THE POPULATION OF THE STATE AS DETERMINED UNDER SUBSECTION (C) OF THIS SECTION.

(2) PARAGRAPH (1) OF THIS SUBSECTION:

(I) APPLIES SEPARATELY TO EACH PRIMARY AND GENERAL ELECTION; AND

(II) DOES NOT APPLY TO EXPENDITURES MADE ON BEHALF OF A GUBERNATORIAL TICKET BY A STATE OR LOCAL CENTRAL COMMITTEE.

(B) CERTIFICATION OF LIMIT.

THE STATE BOARD SHALL CERTIFY THE EXPENDITURE LIMIT FOR EACH ELECTION IN ACCORDANCE WITH SUBSECTION (A)(1) OF THIS SECTION.

(C) DETERMINATION OF POPULATION.

THE POPULATION OF THE STATE SHALL BE DETERMINED BY THE STATE BOARD AS OF JANUARY 1 OF THE YEAR OF THE ELECTION IN ACCORDANCE WITH THE MORE RECENT OF:

(1) THE MOST RECENT DECENNIAL CENSUS OF THE UNITED STATES; OR

(2) ANY POPULATION ESTIMATE PREPARED FOR THE STATE BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(D) LIABILITY FOR VIOLATIONS.

THE MEMBERS OF THE GUBERNATORIAL TICKET AND, IF ASSOCIATED WITH THE EXPENDITURE, THE RESPONSIBLE OFFICERS OF ITS CAMPAIGN FINANCE ENTITY ARE JOINTLY AND SEVERALLY LIABLE CIVILLY AND CRIMINALLY FOR AN EXPENDITURE MADE IN VIOLATION OF THIS SECTION.

REVISOR'S NOTE: Subsections (a)(1) and (2)(ii), (c), and (d) of this section are new language derived without substantive change from former Art. 33, § 15-103.

Subsection (a)(2)(i) of this section is new language added for clarity and accuracy.

Subsection (b) of this section is new language added for clarity and for consistency with other provisions of this title.

In subsections (a) and (d) of this section, the defined term "gubernatorial ticket" is substituted for the former word "candidate". See the Revisor's Note to § 15-102(f) of this title.

In subsection (a)(1) of this section, the reference to accepting a contribution from the Fund "for an election" is added for clarity and accuracy.

Also in subsection (a)(1) of this section, the former reference to a "gubernatorial ticket" that "applies for" a public contribution is deleted as implicit. A ticket may not accept money from the Fund unless the ticket first notifies the State Board of its intent to qualify for a public contribution and then submits a formal request for a public contribution. *See* § 15-109(b)(2) of this title.

In subsection (c) of this section, the former phrase "[f]or purposes of this section" is deleted as surplusage.

Also in subsection (c) of this section, the reference to the determination of the population of the State "by the State Board" is added for clarity and in light of the requirement in § 15-109(a)(1) of this title for the State Board to administer this title.

In subsection (d) of this section, the reference to "members of the" gubernatorial ticket is added for clarity and consistency with the purpose of this subsection to impose joint and several liability on each candidate, *i.e.*, the members of a gubernatorial ticket, and any chairman or treasurer, for a violation of this title.

Also in subsection (d) of this section, the defined term "responsible officer" is substituted for the former reference to "any chairman or treasurer". *See* § 1-101 of this article.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that subsection (d) of this section explicitly provides for the joint and several liability for the members of the gubernatorial ticket and, in certain circumstances, the responsible officers of its campaign finance entity for any expenditure made in violation of this section. Similarly, in § 15-107(c) of this title, the members of the gubernatorial ticket and its responsible officers are made jointly and severally liable for failure to repay the Comptroller any part of a public contribution that is not spent or that was spent in violation of this title. It seems anomalous that these are the only two sections of this title that explicitly provide for such liability.

Defined terms: "Election" § 1-101

"Expenditure" § 1-101

"Gubernatorial ticket" § 15-102

"Public contribution" § 15-102

"Responsible officer" § 1-101

"State Board" § 1-101

15-106. PUBLIC CONTRIBUTIONS -- DISTRIBUTIONS.

(A) IN GENERAL.

(1) (I) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION ON A CONTINUING BASIS OF ONE-HALF OF THE MONEY IN THE FUND TO ELIGIBLE GUBERNATORIAL TICKETS IN THE PRIMARY ELECTION.

(II) DISTRIBUTIONS SHALL BEGIN NOT LATER THAN FEBRUARY 1 OF THE YEAR OF THE ELECTION.

(2) PROMPTLY AFTER THE PRIMARY ELECTION, THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION OF THE REMAINING MONEY IN THE FUND IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(B) INSUFFICIENT MONEY.

IF THE STATE BOARD DETERMINES THAT THERE IS NOT, OR MAY NOT BE, SUFFICIENT MONEY IN THE FUND TO PROVIDE A FULL PUBLIC CONTRIBUTION TO ALL ELIGIBLE GUBERNATORIAL TICKETS IN A PRIMARY OR GENERAL ELECTION, THE STATE BOARD SHALL ALLOCATE THE AVAILABLE MONEY SO THAT EACH ELIGIBLE GUBERNATORIAL TICKET IN THAT ELECTION RECEIVES A PROPORTIONATE SHARE OF THE FULL PUBLIC CONTRIBUTION TO WHICH THE GUBERNATORIAL TICKET OTHERWISE WOULD BE ENTITLED.

(C) PRIMARY ELECTION.

(1) THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION OF THE MONEY THAT IS DESIGNATED FOR DISTRIBUTION IN THE PRIMARY ELECTION AS PROVIDED IN THIS SUBSECTION.

(2) AN ELIGIBLE GUBERNATORIAL TICKET THAT IS OPPOSED IN THE PRIMARY ELECTION SHALL RECEIVE \$1 IN PUBLIC CONTRIBUTIONS FOR EACH \$1 IN ELIGIBLE PRIVATE CONTRIBUTIONS IT HAS RECEIVED.

(3) AN ELIGIBLE GUBERNATORIAL TICKET THAT IS UNOPPOSED IN THE PRIMARY ELECTION SHALL RECEIVE \$1 IN PUBLIC CONTRIBUTIONS FOR EACH \$3 IN ELIGIBLE PRIVATE CONTRIBUTIONS IT HAS RECEIVED.

(D) GENERAL ELECTION.

(1) THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION FOR THE GENERAL ELECTION OF ALL MONEY REMAINING IN THE FUND, INCLUDING MONEY REMAINING FROM THE PART DESIGNATED FOR THE PRIMARY ELECTION, AS PROVIDED IN THIS SUBSECTION.

(2) EACH ELIGIBLE GUBERNATORIAL TICKET THAT IS A NOMINEE SHALL RECEIVE AN EQUAL SHARE OF THE FUND.

(3) AN ELIGIBLE GUBERNATORIAL TICKET MAY NOT RECEIVE A PUBLIC CONTRIBUTION IF IT IS UNOPPOSED ON THE GENERAL ELECTION BALLOT.

(4) AN ELIGIBLE GUBERNATORIAL TICKET THAT DID NOT RECEIVE A PUBLIC CONTRIBUTION IN THE PRIMARY ELECTION MAY RECEIVE A PUBLIC CONTRIBUTION IN THE GENERAL ELECTION ONLY IF THE GUBERNATORIAL TICKET:

(I) IS A NOMINEE IN THE GENERAL ELECTION; AND

(II) DID NOT EXCEED THE EXPENDITURE LIMIT FOR THE PRIMARY ELECTION.

(5) THE STATE BOARD SHALL AUTHORIZE DISTRIBUTION OF PUBLIC CONTRIBUTIONS PROMPTLY AFTER THE CERTIFICATION OF PRIMARY ELECTION RESULTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 15-104(b) and (d) and 15-105(b) and (c).

In subsection (a)(1)(i) of this section, the reference to "subsection (c) of this section" is substituted for the former reference to "the other requirements of this title" for clarity and accuracy.

In subsection (a)(2) of this section, the reference to a distribution "in accordance with subsection (d) of this section" is substituted for the former reference to a distribution "to eligible candidates in the general election" for clarity and accuracy.

Throughout this section, the defined terms "eligible gubernatorial ticket" and "gubernatorial ticket" are substituted for the former words "eligible candidate" and "candidate", respectively. *See* the Revisor's Note to § 15-102(c) and (f) of this title.

Defined terms: "Ballot" § 1-101

"Election" § 1-101

"Eligible gubernatorial ticket" § 15-102

"Eligible private contribution" § 15-102

"Fund" § 15-102

"Gubernatorial ticket" § 15-102

"Public contribution" § 15-102

"State Board" § 1-101

15-107. SAME -- USE.

(A) LIMITATIONS.

A PUBLIC CONTRIBUTION MAY BE SPENT ONLY:

(1) IN ACCORDANCE WITH § 13-218 OF THIS ARTICLE;

(2) TO FURTHER THE GUBERNATORIAL TICKET'S NOMINATION OR ELECTION;

(3) FOR EXPENSES INCURRED NOT LATER THAN 30 DAYS AFTER THE ELECTION FOR WHICH THE PUBLIC CONTRIBUTION WAS MADE; AND

(4) FOR PURPOSES THAT DO NOT VIOLATE STATE LAW.

(B) UNSPENT PUBLIC CONTRIBUTION.

(1) ANY PART OF A PUBLIC CONTRIBUTION THAT IS NOT SPENT SHALL BE REPAID TO THE COMPTROLLER FOR REDEPOSIT IN THE FUND NOT LATER THAN 60 DAYS AFTER THE ELECTION FOR WHICH THE PUBLIC CONTRIBUTION WAS MADE.

(2) IN COMPUTING WHETHER PART OF A PUBLIC CONTRIBUTION IS NOT SPENT, ALL PRIVATE CONTRIBUTIONS TO THE GUBERNATORIAL TICKET SHALL BE TREATED AS SPENT BEFORE THE EXPENDITURE OF ANY OF THE PUBLIC CONTRIBUTION.

(C) LIABILITY FOR REPAYMENT.

THE MEMBERS OF A GUBERNATORIAL TICKET AND THE RESPONSIBLE OFFICERS OF ITS CAMPAIGN FINANCE ENTITY ARE JOINTLY AND SEVERALLY PERSONALLY LIABLE FOR REPAYING TO THE COMPTROLLER ANY PART OF A PUBLIC CONTRIBUTION THAT IS NOT SPENT OR THAT WAS SPENT IN VIOLATION OF SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 15-106.

Throughout this section, the defined term "gubernatorial ticket" is substituted for the former word "candidate". *See* the Revisor's Note to § 15-102(f) of this title.

In subsection (a)(1) of this section, the phrase providing that a public contribution may be spent only "in accordance with § 13-218 of this article" is substituted for the former phrase "[w]ith the authority of the candidate or his treasurer" for clarity and consistency with other provisions of this article. The Election Law Article Review Committee notes, for consideration by the General Assembly, that the reference in former Art. 33, § 15-106(a)(1) to the authority of "the candidate or his treasurer" was ambiguous. The Committee assumes that the General Assembly intended that this provision be consistent with expenditure standards elsewhere in this article.

In subsection (a)(3) of this section, the reference to "the public contribution" is substituted for the former reference to "these" for clarity.

In subsection (c) of this section, the reference to the "members of a" gubernatorial ticket is added for clarity and consistency with the purpose of this subsection to impose joint and several liability on each candidate, *i.e.*, the members of the gubernatorial ticket, and the responsible officers, for a violation of this title. *See also* the Revisor's Note to § 15-105 of this

title.

Defined terms: "Election" § 1-101

"Fund" § 15-102

"Gubernatorial ticket" § 15-102

"Public contribution" § 15-102

15-108. BALANCE IN FUND.

ANY BALANCE IN THE FUND AFTER A GUBERNATORIAL ELECTION SHALL REMAIN IN THE FUND FOR THE PURPOSES OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 15-108.

The reference to a balance after "disbursements to candidates in" a gubernatorial election is deleted as surplusage.

Defined terms: "Election" § 1-101

"Fund" § 15-102

15-109. ADMINISTRATION OF TITLE.

(A) IN GENERAL.

(1) SUBJECT TO § 15-103 OF THIS TITLE, THE STATE BOARD SHALL ADMINISTER THIS TITLE.

(2) THE STATE BOARD MAY REQUEST THE ASSISTANCE OF THE COMPTROLLER TO ADMINISTER THIS TITLE.

(B) REGULATIONS.

(1) THE STATE BOARD SHALL ADOPT COMPREHENSIVE REGULATIONS TO IMPLEMENT THIS TITLE.

(2) THE REGULATIONS SHALL INCLUDE PROVISIONS RELATING TO:

(I) THE MANNER AND DEADLINE FOR A GUBERNATORIAL TICKET TO NOTIFY THE STATE BOARD OF ITS INTENTION TO QUALIFY FOR A PUBLIC CONTRIBUTION;

(II) THE DEADLINE FOR A GUBERNATORIAL TICKET TO SUBMIT A REQUEST FOR A PUBLIC CONTRIBUTION;

(III) THE DATES WHEN THE STATE BOARD WILL AUTHORIZE, AND THE COMPTROLLER WILL MAKE, DISTRIBUTIONS OF PUBLIC CONTRIBUTIONS TO GUBERNATORIAL TICKETS IN ACCORDANCE WITH THIS TITLE;

(IV) A PROPORTIONATE DISTRIBUTION WHEN THERE IS NOT, OR MAY NOT BE, SUFFICIENT MONEY IN THE FUND;

(V) A FORMULA FOR DISTRIBUTING A SUPPLEMENTARY PUBLIC CONTRIBUTION TO THE OTHER ELIGIBLE GUBERNATORIAL TICKETS IF ADDITIONAL MONEY BECOMES AVAILABLE BECAUSE:

1. AN ELIGIBLE GUBERNATORIAL TICKET FAILS TO REQUEST A PUBLIC CONTRIBUTION;
2. AN ELIGIBLE GUBERNATORIAL TICKET WITHDRAWS AS A GUBERNATORIAL TICKET; OR
3. AN ELIGIBLE GUBERNATORIAL TICKET IS DISQUALIFIED;

(VI) THE STANDARDS BY WHICH EXPENDITURES BY CAMPAIGN FINANCE ENTITIES WITH WHICH AN ELIGIBLE GUBERNATORIAL TICKET IS AFFILIATED ARE APPLIED TO THE EXPENDITURE LIMIT PRESCRIBED IN § 15-105 OF THIS TITLE;

(VII) THRESHOLDS FOR IN-KIND CONTRIBUTIONS THAT ARE NOT CONSIDERED CONTRIBUTIONS OR EXPENDITURES FOR THE PURPOSES OF THIS TITLE;

(VIII) DISTRIBUTIONS TO:

1. AN UNOPPOSED GUBERNATORIAL TICKET;
2. A GUBERNATORIAL TICKET COMPOSED OF MEMBERS FROM OTHER THAN THE TWO PRINCIPAL POLITICAL PARTIES; AND
3. A WRITE-IN GUBERNATORIAL TICKET; AND

(IX) THE PURPOSES FOR WHICH A PUBLIC CONTRIBUTION MAY NOT BE USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 15-104(c) and (e)(1).

In subsection (a)(1) of this section, the introductory clause "[s]ubject to § 15-103 of this title," is added for clarity.

Also in subsection (a)(1) of this section, the duty of the State Board to "administer" this title is stated expressly for clarity.

In subsection (b)(1) of this section, the reference to the "State Board" is substituted for the former reference to the "State Administrator" in light of the power vested in the State Board under § 2-102(b)(4) of this article.

Also in subsection (b)(1) of this section, the reference to regulations to "implement" this title is substituted for the former reference to regulations to "carry out the purposes and requirements" of this title for brevity and clarity.

In subsection (b)(2) of this section, the defined terms "eligible gubernatorial ticket" and "gubernatorial ticket" are substituted for the former words "eligible candidate" and "candidate", respectively. *See* the Revisor's Notes to § 15-101(c) and (f) of this title.

In subsection (b)(2)(v)3 of this section, the former reference to a gubernatorial ticket that "dies" is deleted as included in the broader reference to a gubernatorial ticket that is "disqualified".

Defined terms: "Campaign finance entity" § 1-101

"Comptroller" § 15-102

"Contribution" § 1-101

"Eligible gubernatorial ticket" § 15-102

"Expenditure" § 1-101

"Fund" § 15-102

"Gubernatorial ticket" § 15-102

"Principal political party" § 1-101

"Public contribution" § 15-102

"State Board" § 1-101

15-110. VIOLATIONS.

A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR EACH VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 15-107.

The reference to being "guilty of a misdemeanor" is added to state expressly that which was only implied in the former law by the reference to a "conviction". In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Dutton v. State*, 123 Md. 373, 378 (1914), and *Williams v. State*, 4 Md. App. 342, 347 (1968).

15-111. SHORT TITLE.

THIS TITLE IS THE PUBLIC FINANCING ACT.

REVISOR'S NOTE: This section formerly was Art. 33, § 15-110.

The only changes are in style.

Title 16. Offenses and Penalties.

Subtitle 1. Voter Registration.

16-101.

(a) A person may not willfully and knowingly:

- (1) Impersonate a voter or other person in order to register or attempt to register in the name of the voter or other person;
- (2) Register to vote more than once;
- (3) Falsify residence in an attempt to register in the wrong location;
- (4) Secure registration through any unlawful means;
- (5) Cause by unlawful means the name of a qualified voter to be stricken from a registry of voters;
- (6) Prevent, hinder, or delay a person having a lawful right to register from registering, through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;
- (7) Falsify any name on a registration;
- (8) Misrepresent any fact relating to registration; or
- (9) Induce or attempt to induce a person to violate any prohibition in items (1) through (8) of this subsection.

(b) A person who violates this section is GUILTY OF A MISDEMEANOR AND subject to a fine of not more than \$1,000 or imprisonment [in the penitentiary] for not more than 5 years or both.

(c) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-101.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor and" is added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute, is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Williams v. State*, 4 Md. App. 342, 347 (1968), and *Dutton v. State*, 123 Md. 373, 378 (1914).

In subsection (c) of this section, the reference to a violation being "subject to § 5-106(b) of the Courts Article" is substituted for the former reference

to the violation subjecting the defendant to imprisonment "in the penitentiary", for clarity and consistency with the Criminal Law Article. *See* General Revisor's Note to the Criminal Law Article.

Subtitle 2. Voting and Electoral Operations.

16-201.

(a) A person may not willfully and knowingly:

(1) (i) Impersonate another person in order to vote or attempt to vote;

or

(ii) Vote or attempt to vote under a false name;

(2) Vote more than once for a candidate for the same office or for the same ballot question;

(3) Vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;

(4) Vote in an election district or precinct without the legal authority to vote in that election district or precinct; or

(5) Influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward.

(b) A person who violates this section is GUILTY OF A MISDEMEANOR AND subject to a fine of not more than \$2,500 or imprisonment [in the penitentiary] for not more than 5 years or both.

(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-201.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Williams v. State*, 4 Md. App. 342, 347 (1968), and *Dutton v. State*, 123 Md. 373, 378 (1914).

In subsection (c) of this section, the reference to a violation being "subject to § 5-106(b) of the Courts Article" is substituted for the former reference to the violation subjecting the defendant to imprisonment "in the penitentiary", for clarity and consistency with the Criminal Law Article. *See* General Revisor's Note to the Criminal Law Article.

Defined terms: "Candidate" § 1-101**"Election" § 1-101****"Precinct" § 1-101****16-202.**

(a) A person who has been convicted of an infamous crime, and has been rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 5 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-202.

In subsection (b) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

16-203.

(a) A person may not willfully disobey the lawful command of an election official at a polling place on election day.

(b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-203.

No changes are made.

16-204.

(a) A person may not hinder or impede the conduct of official electoral activities by:

- (1) Breach of the peace;
- (2) Disorder; or
- (3) Violence or threat of violence.

(b) A person who violates this section shall be guilty of a misdemeanor and shall be subject to imprisonment for not less than 30 days nor more than 1 year or by a fine of not less than \$50 nor more than \$1,000 or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-204.

No changes are made.

16-205.

(a) (1) A person may not interfere with an election official in the performance of the official duties of the election official.

(2) A person may not interfere with an individual lawfully present at a polling place or at the canvass of votes.

(b) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 3 months nor more than 1 year or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-205.

No changes are made.

16-206.

(a) A person may not:

(1) Place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) Misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) Interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) Induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) Except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) Destroy or deface a ballot;

(7) Remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) Delay the delivery of a ballot;

(9) Possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or

(10) Canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) The line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(3) The signs shall contain the words "No Electioneering Beyond this Point".

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-206.

No changes are made.

16-207.

(a) In this section, "alcoholic beverages" has the meaning provided in Article 2B, § 1-102 of the Code.

(b) A person may not bring, send, or attempt to bring or send any alcoholic beverages into a polling place during the hours that the polling place is open.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$10 nor more than \$100.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-207.

No changes are made.

Subtitle 3. Conduct of Election Officials.

16-301.

(a) An election official or an official of a political party may not willfully neglect official duties under this article or engage in corrupt or fraudulent acts in the performance of official duties under this article.

(b) A person who violates this section is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 30 days nor more than 3 years or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-301.

No changes are made.

16-302.

(a) A person may not fraudulently tamper with election records of any kind, whether on paper or in any other medium.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 5 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-302.

In subsection (b) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

16-303.

(a) An election judge, while performing official duties at a polling place, may not willfully and knowingly:

(1) Interfere in any way with the casting of a vote by a person who the election judge knows is lawfully entitled to vote at an election;

(2) Fail to challenge a person who the election judge has reason to believe is not entitled to vote;

(3) Refuse to follow the instructions of the election director with respect to the qualification of voters, the use of voting equipment, or the casting of votes; or

(4) Obstruct the view at any time of any person, lawfully present in the polling place, who wishes to see the ballot box or voting equipment used during an election.

(b) An election judge who violates this section is **GUILTY OF A MISDEMEANOR** AND subject to imprisonment [in the penitentiary] for not less than 3 months nor more than 2 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-303.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Williams v. State*, 4 Md. App. 342, 347 (1968), and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

Defined term: "Election" § 1-101

16-304.

(a) In a polling place on election day, an election judge may not willfully and knowingly:

- (1) Permit a ballot or ballots to be placed into a ballot box prior to the time for voting; or
- (2) Place a ballot in a ballot box unless the ballot is offered by a properly registered voter.

(b) A person may not:

- (1) Cause or permit a vote to be cast or a ballot to be deposited in a ballot box or a voting device, other than by a person properly qualified to cast a ballot; or
- (2) Substitute, alter, add, or remove a voted ballot from a ballot box or a voting device, except when instructed to do so by the election director.

(c) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 5 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-304.

In subsection (c) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

Subtitle 4. Petitions.

16-401.

(a) A person may not willfully and knowingly:

- (1) Give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign any petition;
- (2) Request, receive, or agree to receive, anything of value as an inducement to sign or not to sign any petition;

- (3) Misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition;
 - (4) Sign the name of any other person to a petition;
 - (5) Falsify any signature or purported signature to a petition;
 - (6) Obtain, or attempt to obtain, any signature to a petition by fraud, duress, or force;
 - (7) Circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged, or fictitious signatures;
 - (8) Sign a petition that the person is not legally qualified to sign;
 - (9) Sign a petition more than once; or
 - (10) Alter any petition after it is filed with the election authority.
- (b) Each violation of this section shall be considered a separate offense.
- (c) A person who violates this section is guilty of a misdemeanor and is subject to the penalties provided in Subtitle 10 of this title.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-401.

No changes are made.

Subtitle 5. Oaths.

16-501.

- (a) A person may not willfully and falsely take an oath or affirmation prescribed:
- (1) By the State Board; or
 - (2) Pursuant to this article.
- (b) A person may not willfully induce or procure, or offer to induce or procure, another person to willfully and falsely take an oath or affirmation prescribed:
- (1) By the State Board; or
 - (2) Pursuant to this article.
- (c) Any person who violates subsection (a) of this section is guilty of perjury and shall be punished according to the laws of the State for perjury.

(d) Any person who violates subsection (b) of this section is guilty of subornation of perjury and shall be punished according to the laws of the State for subornation of perjury.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-501.

No changes are made.

Subtitle 6. Canvassing.

16-601.

(a) An election judge or other election official may not willfully and knowingly:

(1) Make, sign, publish, or deliver a false certificate or statement of the result of the election or any other false report of any kind; or

(2) Deface, destroy, or conceal any statement, tally, certificate, or other document entrusted to the official's care and custody.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 10 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-601.

In subsection (b) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

Defined term: "Election" § 1-101

Subtitle 7. Election Records and Documents.

16-701.

(a) A person with custody of election records may not willfully and knowingly:

(1) Destroy, deface, falsify, remove, or conceal any record related to voting;

(2) Make a fraudulent entry or alteration, or permit another person to make a fraudulent entry or alteration, of any record related to voting; or

(3) Allow any other person to do the acts prohibited in items (1) and (2) of this subsection.

(b) Any person who does not have custody over election items may not:

(1) Do an act prohibited by subsection (a) of this section; or

(2) Advise, procure, or abet the commission of an act prohibited by subsection (a) of this section.

(c) This section does not apply to the disposition of obsolete records in the ordinary course of the operation of the State Board or a local board.

(d) Each violation of this section is a separate offense.

(e) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 10 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-701.

In subsection (e) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

Subtitle 8. Voting Equipment.

16-801.

(a) A person may not willfully:

(1) Conceal, damage, or destroy voting equipment used or intended to be used on the day of election; or

(2) Remove voting equipment from the custody of the election judges or other election officials.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment [in the penitentiary] for not less than 1 year nor more than 5 years.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-801.

In subsection (b) of this section, the former reference to imprisonment "in the penitentiary" is deleted as obsolete in light of CS § 9-103, which states that notwithstanding any law requiring imprisonment to be served at a specific State correctional institution, persons are to be sentenced to the jurisdiction of the Division of Correction.

16-802.

(a) A person may not willfully and knowingly:

(1) Tamper with, damage, or attempt to damage any voting equipment that is used or will be used in an election; or

(2) Prevent or attempt to prevent the correct operation of any voting equipment that is used or will be used on the day of election.

(b) An unauthorized person may not make or have in the person's possession a key to any voting equipment that is used or will be used on the day of election.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-802.

No changes are made.

16-803.

(a) A person may not remove, deface, or destroy equipment or supplies placed in a polling place by election officials during an election.

(b) A person who violates this section is subject to a fine of not more than \$500 or imprisonment for not more than 1 year or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-803.

No changes are made.

16-804.

(a) When an electronic voting system is used, a person may not willfully and knowingly:

(1) Access the system unless authorized to do so by the appropriate election authority; or

(2) Tamper with or alter the hardware, system components, or software utilized by the voting system, for the purpose of affecting the vote count.

(b) A person who violates this section is guilty of a felony and shall be subject to a fine of not more than \$50,000 or imprisonment for not more than 10 years or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-804.

No changes are made.

Subtitle 9. Other Offenses.

16-901.

(a) A person may not falsely or fraudulently:

- (1) Make, deface, or destroy a certificate of candidacy or certificate of nomination or any part of the certificate; or
- (2) File or suppress a certificate of candidacy or certificate of nomination that has been duly filed.

(b) A person who violates this section is subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than 3 years or both.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-901.

No changes are made.

16-902.

(a) A person may not make a bet or wager on the outcome of an election held under this article.

(b) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 to be paid to the State.

(c) Any deposit of money as a bet or a wager on the outcome of an election shall be forfeited and paid to the governing body of the county where the money is deposited.

REVISOR'S NOTE: This section formerly was Art. 33, § 16-902.

No changes are made.

Subtitle 10. General Penalty Provisions.

16-1001.

(a) A person convicted of a misdemeanor under this article for which no penalty is specifically provided is subject to a fine of not less than \$10 nor more than \$250 or imprisonment for not less than 30 days nor more than 6 months or both.

(b) A person who is convicted of any criminal violation of this article shall be disqualified permanently from serving as an election judge, board member, or [an] employee of a board.

(c) A candidate who is convicted of any practice prohibited by this article shall be ineligible to be elected or appointed to any public office or employment for a period of 5 years following the date of the [election] CONVICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 16-1001.

In subsection (b) of this section, the former reference to "an" employee is deleted as surplusage.

In subsection (c) of this section, the reference to the date of the "conviction" is substituted for the former reference to "election" for consistency with the presumed intent of the General Assembly. The Election Law Article Review Committee calls this substitution to the attention of the General Assembly.

GENERAL REVISOR'S NOTE TO ARTICLE

The Department of Legislative Services is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. One precept of revision has been that, once something is said, it should be said in the same way every time. To that end, the Election Law Article conformed the language and organization of this article to that of previously enacted revised articles to the extent possible.

The Election Law Article contains two components, the principal one is a thorough but nonsubstantive revision of the campaign finance provisions of law encompassed under former Article 33 and set out in Titles 13, 14, and 15 of the revised article. The other component consists of the provisions of Titles 1 through 12 and Title 16 of former Article 33 of the Code that became effective January 1, 1999. That material encompasses the substantive revision of the State election law that resulted from the work of the Commission to Revise the Election Code that was chaired by Marie Garber, a former State Administrator of Election Laws. The Election Law Article also makes clarifying and conforming amendments and technical changes to the Commission's work product to make it consistent with the revised language and terminology of the campaign finance law in Titles 13, 14, and 15 of this article.

Article - State Government

15-829.

(a) In this Part IV the following words have the meanings indicated.

(b) (1) "Agent" means any individual or business entity hired or retained by an applicant for any purpose relating to the land that is the subject of an application if the individual or business entity is:

- (i) an accountant;
- (ii) an attorney;
- (iii) an architect;
- (iv) an engineer;

- (v) a land use consultant;
- (vi) an economic consultant;
- (vii) a real estate agent;
- (viii) a real estate broker;
- (ix) a traffic consultant; or
- (x) a traffic engineer.

(2) "Agent" includes:

(i) as to a corporation described in paragraph (1) of this subsection, its officers, directors, and majority stockholders who are engaged in substantive activities pertaining specifically to land development in Prince George's County as a regular part of their ongoing business activities;

(ii) as to a partnership or limited partnership described in paragraph (1) of this subsection, its general partners and limited partners who are engaged in substantive activities pertaining specifically to land development in Prince George's County as a regular part of their ongoing business activities; and

(iii) as to a joint venture described in paragraph (1) of this subsection, the principal members of the joint venture who are engaged in substantive activities pertaining specifically to land development in Prince George's County as a regular part of their ongoing business activities.

(c) (1) (i) "Applicant" means an individual or business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;
2. a trustee that has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
3. a holder of 5 percent or greater interest in a business entity that has an interest in land that is the subject of an application but only if:
 - A. the holder of 5 percent or greater interest has substantive involvement in directing the affairs of the business entity with an interest in the land which is the subject of an application with specific regard to the disposition of the land which is the subject of the application; or
 - B. the holder of 5 percent or greater interest is engaged in substantive activities pertaining specifically to land development in Prince George's County as a regular part of the business entity's ongoing business activities.

(ii) Where the applicant is a corporation, the term also includes the directors and officers of the corporation which actually holds title to the land, or is a

contract purchaser of the land, which is the subject of an application, but does not include the directors and officers of any entity which does not hold title to, or is not the contract purchaser of, land which is the subject of an application.

(2) "Applicant" includes any business entity in which a person described in paragraph (1) of this subsection holds a 5 percent or greater interest.

(3) "Applicant" does not include:

(i) a bank, savings and loan institution, or other financial institution which has loaned money or extended financing for the acquisition, development, or construction of improvements upon any land that is the subject of an application;

(ii) a municipal or public corporation;

(iii) a public authority; or

(iv) a public utility regulated by the Public Service Commission in any instance where the utility is engaged in or conducting regulated activities that have been approved by the Public Service Commission or are permitted under the Public Utility Companies Article.

(d) "Application" means:

(1) an application for a zoning map amendment, special exception, departure from design standards, revision to a special exception site plan, expansion of a legal nonconforming use, revision to a legal nonconforming use site plan, or a request for a variance from the zoning ordinance;

(2) an application to approve a comprehensive design plan, a conceptual site plan, or a specific design plan; or

(3) participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the County Council or the Planning Board, where the intent is to intensify the zoning category applicable to the land of the applicant.

(e) "Business entity" means:

(1) a sole proprietorship;

(2) a corporation;

(3) a general partnership;

(4) a limited partnership;

(5) a limited liability company; or

(6) a joint venture.

(f) "Candidate" means a candidate for election to the County Council who becomes a member.

(g) "Continuing political committee" means a committee specifically created to promote the candidacy of a member running for any elective office.

(H) "CONTRIBUTOR" MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A PAYMENT.

[(h)] (I) "County Council" means the County Council of Prince George's County.

[(i)] (J) "County Executive" means the County Executive of Prince George's County.

[(j)] (K) "District Council" means the County Council of Prince George's County sitting as the District Council for the Prince George's County portion of the Maryland-Washington Regional District.

[(k)] (L) "Member of the County Council" includes any candidate or person duly elected or appointed who takes the oath of office as a member of the County Council for Prince George's County and who thereby serves on the District Council.

[(l)] (M) "Payment" means any payment or contribution of money or property or the incurring of any liability or promise of anything of value to a treasurer of a candidate or of a continuing political committee.

[(m)] (N) (1) "Pendency of the application" means any time between the acceptance of a filing of an application by the appropriate agency and, subject to paragraph (2) of this subsection, expiration of the time under which an appeal on the application may be taken.

(2) "Pendency of the application" does not include a period during which:

- (i) action on the application is under judicial review; or
- (ii) judicial review may be requested.

(O) "POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS NOT:

- (1) A POLITICAL PARTY;
- (2) A CENTRAL COMMITTEE;
- (3) A SLATE; OR

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR ANY ELECTIVE OFFICE OR A SLATE.

(P) "SLATE" MEANS A GROUP, COMBINATION, OR ORGANIZATION OF CANDIDATES CREATED UNDER THE PROVISIONS OF THE ELECTION LAW ARTICLE.

[(n)] (Q) (1) "Treasurer" has the meaning provided in [Article 33, § 1-101 of the Code] § 1-101 OF THE ELECTION LAW ARTICLE.

(2) "Treasurer" includes a subtreasurer.

REVISOR'S NOTE: Chapter _____, Acts of 2002, which enacted the Election Law Article, added subsections (h), (o), and (p) of this section to allow for the merging of former Art. 33, § 13-301 in this Part IV; and also amended subsection (q) of this section to correct a cross-reference.

Subsection (h) of this section is derived without substantive change from former Art. 33, § 13-301(a)(4).

Subsection (o) of this section is derived without substantive change from former Art. 33, § 13-301(a)(7).

Subsection (p) of this section is derived without substantive change from former Art. 33, § 13-301(a)(8).

15-830.

Notwithstanding any other provision of law, the provisions of Article 28 of the Code affecting that part of the Maryland-Washington Regional District in Prince George's County shall be carried out consistent with the provisions of this Part IV.

15-831.

(a) An applicant or agent of the applicant may not make a payment to a member of the County Council, or to the County Executive, during the pendency of the application.

(b) (1) After an application has been filed, a member of the County Council may not vote or participate in any way in the proceeding on the application if the member's treasurer or the member's continuing political committee received a payment, during the 36-month period before the filing of the application or during the pendency of the application, from any of the applicants or the agents of the applicants.

(2) A member is not subject to the requirements of paragraph (1) of this subsection if:

(i) as to the application, no applicant or agent has filed an affidavit naming the member or the member's continuing political committee as the recipient of a payment; or

(ii) 1. a transfer to the member's treasurer or continuing political committee was made by a political action committee to which an applicant or agent had made a payment;

2. the applicant or agent made the payment to the political action committee without any intent to subvert the purposes of this subtitle;

3. the applicant's or agent's payment to the political action committee, and the political action committee's transfer, are disclosed in an affidavit; and

4. the transfer is returned to the political action committee by the member, or the payment is returned to the applicant or agent by the political action committee.

(c) (1) After an application is filed, the applicant shall file an affidavit, under oath, stating to the best of the applicant's information, knowledge, and belief that:

(i) 1. during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not made any payment to the treasurer of a candidate or continuing political committee; or

2. if any such payment was made, discloses the name of the member to whose treasurer, or whose continuing political committee, the payment was made;

(ii) 1. during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not solicited any person or business entity to make a payment to the treasurer of a candidate or continuing political committee; or

2. if any such solicited payment was made, discloses the name of the member to whose treasurer, or whose continuing political committee, the payment was made; and

(iii) 1. during the 36-month period before the filing of the application and during the pendency of the application, a member of the applicant's household has not made a payment to the treasurer of a candidate or continuing political committee; or

2. if such a payment has been made, discloses the name of the member to whose treasurer, or whose continuing political committee, the payment was made.

(2) The affidavit may be filed any time prior to consideration of the application by the District Council, at the discretion of the applicant. However, in no event may the affidavit be filed less than 30 calendar days prior to consideration by the District Council of the application.

(3) A supplemental affidavit shall be filed whenever a payment is made after the original affidavit was filed.

(4) An applicant has no obligation to make any representations pertaining to the actions of anyone other than that applicant under the affidavit. In the case of business entities, anyone with authority to act on behalf of, and bind, the business entity may execute an affidavit on behalf of the business entity itself.

(5) The only disclosures required under the affidavit are those involving individuals or business entities that would be subject to the provisions of this subtitle.

(d) (1) An agent shall file an affidavit in an application only if:

(i) the agent has acted on behalf of the applicant with regard to the specific application; and

(ii) during the 36-month period before the filing of the application and during the pendency of the application, and after becoming an agent of the applicant:

1. the agent has made a payment to a candidate or continuing political committee; or

2. the agent has solicited any person to make a payment to the treasurer of a candidate or a continuing political committee.

(2) Notwithstanding the provisions of paragraph (1)(ii) of this subsection, an agent shall disclose in the affidavit a payment made before becoming an agent if the agent:

(i) made the payment by prearrangement or in coordination with one or more applicants; or

(ii) acted as an agent as to any other application filed during the 36-month period.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR, A MEMBER OF THE COUNTY COUNCIL, OR A POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS PART IV IF A PAYMENT IS MADE BY THE CONTRIBUTOR OR A TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:

(I) THE CANDIDATE; OR

(II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE.

(2) THE PROVISIONS OF THIS PART IV DO NOT APPLY TO:

(I) ANY PAYMENT OR TRANSFER TO A SLATE, UNLESS THE SLATE IS COMPOSED SOLELY OF CANDIDATES OR MEMBERS OF THE COUNTY COUNCIL;

(II) ANY TRANSFER TO THE CONTINUING POLITICAL COMMITTEE OF A CANDIDATE OR MEMBER OF THE COUNTY COUNCIL BY THE CONTINUING POLITICAL COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE;
OR

(III) A PAYMENT OR TRANSFER TO THE PRINCE GEORGE'S COUNTY CENTRAL COMMITTEE, OR STATE CENTRAL COMMITTEE, OF A POLITICAL PARTY, EVEN IF THE CENTRAL COMMITTEE SUPPORTS A CANDIDATE.

(3) A PERSON MAY NOT MAKE A PAYMENT IN VIOLATION OF THIS PART IV.

[(e)] (F) An applicant or agent may not take any action, directly or indirectly, with the intent to circumvent the intent of this subtitle.

REVISOR'S NOTE: Chapter _____, Acts of 2002, which enacted the Election Law Article, also added subsection (e) of this section, which is new language derived without substantive change from former Art. 33, § 13-301(b), (c), and (d).

In subsection (e)(1)(i) of this section, the former reference to the "treasurer" of the candidate is deleted for clarity and consistency with the terminology of provisions of the Election Law Article. *See, e.g.*, Title 13, Subtitles 2 and 3, of the Election Law Article. Similarly, in subsection (e)(1)(ii) of this section, the former reference to the "treasurer" of the continuing political committee is deleted.

15-832.

(a) Any ex parte communication, concerning a pending application, between an applicant or applicant's agent and a member of the County Council or the County Executive shall be disclosed as required in this section.

(b) Each applicant or agent who communicates ex parte during the pendency of the application with a member of the County Council or with the County Executive shall file for each such communication a separate disclosure with the clerk of the County Council within 5 working days after the communication was made or received, whichever is later.

(c) The County Executive and each member of the County Council who communicates ex parte during the pendency of the application with an applicant or agent shall file for each such communication a separate disclosure with the clerk of the County Council within 5 working days after the communication was made or received, whichever is later.

15-833.

At any time before final action on an application, a party of record may file with the clerk of the County Council competent evidence of:

- (1) a payment or contribution by an applicant or agent covered under § 15-831 of this subtitle; or
- (2) an ex parte communication covered under § 15-832 of this subtitle.

15-834.

(a) In the enforcement of this Part IV, the clerk of the County Council shall be subject to the direction and control of the Ethics Commission or its Executive Director and, unless otherwise specifically directed by the Ethics Commission or its Executive Director, may only:

- (1) receive filings;
- (2) maintain records;
- (3) report violations; and
- (4) perform other ministerial duties necessary to administer this Part IV.

(b) Notwithstanding any provision of this Part IV, as to a corporation listed on a national stock exchange or regulated by the Securities and Exchange Commission, and any subsidiary of the corporation, the following requirements apply if the filing of an affidavit would otherwise be required under this Part IV:

(1) a director or officer in the corporation or any of its subsidiaries, or a stockholder who has a 5 percent or greater interest in the corporation or any of its subsidiaries, shall only be required to file an affidavit if the individual has made a payment to the treasurer of a candidate or continuing political committee, or if the individual has solicited anyone to make a payment to the treasurer of a candidate or continuing political committee; and

(2) the corporation or its subsidiary shall file a corporate affidavit stating:

(i) 1. that the corporation has not made or solicited any payment to the treasurer of a candidate or continuing political committee; or

2. if such a payment was made, the name of the member to whose treasurer, or whose continuing political committee, the payment was made; and

(ii) that all directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirements of item (1) of this subsection.

(c) (1) The affidavits and disclosures required under this Part IV shall be filed in the appropriate case file of an application.

(2) The clerk of the County Council, at least twice each year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files.

(3) All summary reports compiled under paragraph (2) of this subsection shall be available to members of the public upon written request.

(4) All affidavits, disclosures, and accompanying documentation required under this Part IV shall be in the form required by the Ethics Commission.

15-835.

(a) (1) The Ethics Commission or any other aggrieved person may file a petition for injunctive or other relief in the Circuit Court of Prince George's County for the purpose of requiring compliance with this Part IV, and may assert as error any violation of this Part IV in an appeal taken pursuant to the provisions of Article 28, § 8-106(e) of the Code.

(2) The Court shall issue an order voiding an official action taken by the County Council when the action taken by the Council was in violation of this Part IV and if the legal action was brought within 30 days of the occurrence of the official action.

(3) The Court, after hearing and considering all the circumstances in the case, and voiding an action of the Council, shall reverse or reverse and remand the case to the District Council for reconsideration.

(b) (1) Any person who knowingly and willfully violates the provisions of this Part IV is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

(2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and upon conviction is subject to the same penalties as the business entity.

(3) A member is guilty of violating this Part IV only if the member fails to abstain from voting or participating in a proceeding, based on information contained in an affidavit filed with the County Council by an applicant or agent, in violation of § 15-831(b) of this Part IV.

(4) An action taken in reliance on an opinion of the Ethics Commission may not be deemed a knowing and willful violation.

(c) (1) Any person who is subject to the provisions of this Part IV shall preserve all accounts, bills, receipts, books, papers, and documents necessary to

complete and substantiate any reports, statements, or records required to be made pursuant to this Part IV for 3 years from the date of filing the application.

(2) These papers and documents shall be available for inspection upon request by the Ethics Commission after reasonable notice.

15-838.

(a) In this Part V the following words have the meanings indicated.

(b) (1) (i) "Applicant" means an individual or business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;

2. a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or

3. a holder of 5 percent or greater interest in a business entity who has an interest in land that is the subject of an application.

(ii) "Applicant" includes, if the applicant is a corporation, the directors and officers of the corporation which actually holds title to the land, or is a contract purchaser of the land which is the subject of an application.

(2) "Applicant" does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;

(ii) a municipal or public corporation;

(iii) a public authority;

(iv) a public service company acting within the scope of the Public Utility Companies Article; or

(v) a person who is hired or retained as an accountant, attorney, architect, engineer, land use consultant, economic consultant, real estate agent, real estate broker, traffic consultant, or traffic engineer.

(c) "Application" means an application for a local map amendment, including a reclassification.

(d) "Business entity" means:

(1) a sole proprietorship;

(2) a corporation;

- (3) a general partnership;
- (4) a limited partnership;
- (5) a limited liability company; or
- (6) a joint venture.

(e) "Candidate" means an individual who wins an election to the Office of County Executive or County Council of Montgomery County.

(f) (1) "Contribution" means any payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, or the incurring of any liability or promise of anything of value of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee.

(2) "Contribution" includes a payment or transfer to a slate with which a candidate is associated.

(3) Except as provided in paragraph (4) of this subsection, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.

(4) For purposes of this subtitle, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate.

(G) "CONTRIBUTOR" MEANS AN INDIVIDUAL OR BUSINESS ENTITY THAT MAKES A CONTRIBUTION.

[(g)] (H) "Elected official" means an individual who holds the Office of County Executive or member of the County Council of Montgomery County.

[(h)] (I) (1) "Party of record" means an individual or business entity that is granted standing to participate in a local map amendment proceeding by the County Council, sitting as the District Council, or its hearing examiner.

(2) "Party of record" does not include an attorney, consultant, employee, or other agent of a party of record, including an authorized representative of a community association who is participating in a proceeding solely on behalf of the association.

(J) "POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS NOT:

- (1) A POLITICAL PARTY;
- (2) A CENTRAL COMMITTEE;
- (3) A SLATE; OR

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR ANY ELECTIVE OFFICE OR A SLATE.

[(i)] (K) "Political committee" means any combination of two or more persons appointed by a candidate or any other person or formed in any other manner which assists or attempts to assist in any manner the promotion of the success or defeat of any candidate, candidates, political party, principle, or proposition submitted to a vote in any election.

(L) (1) "SLATE" MEANS A POLITICAL COMMITTEE OF TWO OR MORE CANDIDATES WHO JOIN TOGETHER TO CONDUCT AND PAY FOR JOINT ACTIVITIES.

(2) "SLATE" DOES NOT INCLUDE A POLITICAL PARTY OR A CENTRAL COMMITTEE.

[(j)] (M) (1) "Treasurer" has the meaning provided in [Article 33, § 1-101 of the Code] § 1-101 OF THE ELECTION LAW ARTICLE.

(2) "Treasurer" includes a subtreasurer.

REVISOR'S NOTE: Chapter _____, Acts of 2002, which enacted the Election Law Article, added subsections (g), (j), and (l) of this section to allow for the merging of former Art. 33, § 13-302 in this Part V; and also amended subsection (m) of this section to correct a cross-reference.

Subsection (g) of this section is derived without substantive change from former Art. 33, § 13-302(a)(4).

Subsection (j) of this section is derived without substantive change from former Art. 33, § 13-302(a)(6).

Subsection (l) of this section is derived without substantive change from former Art. 33, § 13-302(a)(8).

15-839.

(a) An applicant or party of record who makes a contribution during the 4-year election cycle before the filing of the application or during the pendency of the application shall disclose the contribution in accordance with this section.

(b) (1) Upon filing an application, an applicant shall submit a disclosure statement that names any candidate or elected official to whose treasurer or political committee the applicant made a contribution, states the amount, and states the date of the contribution. If a contribution was not made, the disclosure statement shall so state.

(2) The disclosure statement shall be filed:

(i) on a form approved by the County Council and which shall contain:

1. an affirmation clause to be signed by the applicant under the penalties of perjury that the contents of the disclosure statement are true to the best of the applicant's knowledge, information, and belief; and

2. a notice that noncompliance with this subtitle may result in a fine of up to \$1,000; and

(ii) with the Chief Hearing Examiner of the Office of Zoning and Administrative Hearings, unless the Council determines otherwise.

(3) Within 2 weeks after entering a proceeding, a party of record that has made a contribution shall submit a disclosure statement as described under paragraph (2) of this subsection.

(4) A contribution made after the filing of the initial disclosure and before the final disposition of the application by the District Council shall be disclosed within 5 business days of the contribution.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR IS SUBJECT TO THIS PART V IF THE CONTRIBUTOR MAKES A CONTRIBUTION TO:

(I) A CANDIDATE;

(II) A SLATE; OR

(III) A CANDIDATE'S POLITICAL COMMITTEE.

(2) THE PROVISIONS OF THIS PART V DO NOT APPLY TO A TRANSFER BY A POLITICAL ACTION COMMITTEE TO A CANDIDATE OR TO THE POLITICAL COMMITTEE OF A CANDIDATE OR AN ELECTED OFFICIAL.

[(c)] (D) (1) The Chief Hearing Examiner of the Office of Zoning and Administrative Appeals shall be the official custodian of records filed under this Part V and, at least twice each calendar year, shall prepare a summary report compiling all affidavits and disclosures that have been filed.

(2) A summary report and disclosure statement filed under this Part V shall be a matter of public record and available for inspection upon written request.

REVISOR'S NOTE: Chapter ____, Acts of 2002, which enacted the Election Law Article, also added subsection (c) of this section, which is new language derived without substantive change from former Art. 33, § 13-302(b) and (c).

In subsection (c) of this section, the former phrase "the treasurer of" a candidate or "the treasurer of" the political committee of a candidate or an

elected official is deleted for clarity and consistency with the terminology of the Election Law Article. *See, e.g.*, Title 13, Subtitles 2 and 3, of the Election Law Article.

15-840.

(a) Any person who knowingly and willfully violates the provisions of this Part V is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$1,000.

(b) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and upon conviction is subject to the same penalties as the business entity.

(c) The provisions of this Part V shall be enforced by the State's Attorney for Montgomery County.

15-841.

(a) The County Council has no legal duty to verify the accuracy of any disclosure statement filed under this Part V.

(b) Failure by any person, including the Chief Hearing Examiner of the Office of Zoning and Administrative Appeals, to comply with this Part V is not grounds for invalidation of any decision by the County Council, sitting as the District Council, for which a disclosure statement is required.

15-848.

(a) In this Part VII the following words have the meanings indicated.

(b) (1) "Applicant" means an individual or a business entity that is, with regard to the land that is the subject of the application:

(i) a title owner, assignee, or contract purchaser of the land;

(ii) a trustee that has an interest in the land, other than as a trustee described in a mortgage or deed of trust; or

(iii) a holder of a 5% or greater interest in the business entity that has an interest in the land if:

1. the interest holder is involved significantly in directing the affairs of the business entity, including the disposition of the land; or

2. the interest holder is engaged in substantive actions specifically pertaining to land development in Howard County as a regular part of the activity of the business entity.

(2) "Applicant" includes:

(i) any other business entity in which an individual or business entity described in paragraph (1) of this subsection holds a 3% or greater interest; or

(ii) an officer or director of a corporation who actually holds title to, or is the contract purchaser or assignee of, the land that is the subject of an application if:

1. the corporation is listed on a national securities exchange and the officer or director owns 5% or more of its stock; or

2. in the case of any other corporation, the officer or director owns any interest in the corporation.

(3) "Applicant" does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of improvements on the land that is the subject of an application;

(ii) a municipal or public corporation;

(iii) a public authority;

(iv) a public service company acting within the scope of the Public Utility Companies Article; or

(v) a person who is:

1. less than a full-time employee of a person described in paragraph (1) or paragraph (2) of this subsection; and

2. hired or retained as an accountant, attorney, architect, engineer, land use consultant, economic consultant, real estate agent, real estate broker, traffic consultant, or traffic engineer.

(c) "Application" means:

(1) an application for a zoning map amendment; or

(2) participation in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication to an elected official, where the intent is to change the classification or increase the density of the land of the applicant.

(d) "Business entity" means:

(1) a sole proprietorship;

(2) a corporation;

(3) a general partnership;

- (4) a limited partnership;
- (5) a limited liability company; or
- (6) a joint venture.

(e) "Candidate" means a candidate for election as Howard County Executive or to the Howard County Council who becomes an elected official.

(f) "Contribution" means any payment or transfer of money or property or the incurring of any liability or promise of anything of value to the treasurer of a candidate, a political committee, or a slate.

(G) "CONTRIBUTOR" MEANS AN INDIVIDUAL OR BUSINESS ENTITY THAT MAKES A CONTRIBUTION.

[(g)] (H) "Elected official" means an individual who serves as Howard County Executive or as a member of the Howard County Council.

[(h)] (I) (1) "Engaging in business" means entering into any:

- (i) sale, purchase, lease, or other transaction involving goods, services, or real property; or
- (ii) contract, award, loan, extension of credit, or any other financial transaction.

(2) "Engaging in business" does not include the sale of goods to an individual for the use or consumption of the individual or others for personal, family, or household purposes, as distinguished from industrial, commercial, or agricultural purposes.

[(i)] (J) "Family member" means the spouse or child of either an applicant or a party of record who has made a contribution with the knowledge and consent of the applicant or party of record.

[(j)] (K) "Party of record" means an individual or business entity that participates in a map amendment proceeding by the County Council or the zoning board, or who participates in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication to an elected official where the intent is to oppose a change in classification or an increase in density of the land of an applicant.

(L) "POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS NOT:

- (1) A POLITICAL PARTY;
- (2) A CENTRAL COMMITTEE;
- (3) A SLATE; OR

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR ANY ELECTIVE OFFICE OR A SLATE.

[(k)] (M) "Political committee" means a committee, continuing or noncontinuing, specifically created to promote the candidacy of a person running for elective office.

[(l)] (N) "Slate" means a group, combination, or organization of candidates created under the provisions of [Article 33 of the Code] THE ELECTION LAW ARTICLE.

[(m)] (O) (1) "Treasurer" has the meaning provided in [Article 33, § 1-101 of the Code] § 1-101 OF THE ELECTION LAW ARTICLE.

(2) "Treasurer" includes a subtreasurer.

REVISOR'S NOTE: Chapter _____, Acts of 2002, which enacted the Election Law Article, added subsections (g) and (l) of this section to allow for the merging of former Art. 33, § 13-303 in this Part VII; and also amended subsections (n) and (o) of this section to correct cross-references.

Subsection (g) of this section is new language derived without substantive change from former Art. 33, § 13-303(a)(5).

Subsection (l) of this section is new language derived without substantive change from former Art. 33, § 13-303(a)(7).

15-849.

(a) (1) When an application is filed, the applicant shall file an affidavit, under oath, stating whether the applicant:

(i) has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before the application is filed, to the best of the applicant's information, knowledge, and belief; or

(ii) is currently engaging in business with an elected official.

(2) (i) If the applicant or a party of record or a family member has made a contribution or contributions having a cumulative value of \$500 or more during the 48-month period before the application was filed or during the pendency of the application, the applicant or the party of record shall file a disclosure providing the name of the candidate or elected official to whose treasurer or political committee the contribution was made, the amount, and the date of the contribution. However, if the party of record is a community association, this paragraph may not be construed to require the association to poll its members to disclose individual contributions.

(ii) A contribution made between the filing of the application and the disposition of the application shall be disclosed within 5 business days of the contribution.

(3) An applicant who begins engaging in business with an elected official between the filing of the application and the disposition of the application shall file the affidavit at the time of engaging in business with the elected official.

(b) Except as provided in subsection (a)(3) of this section, the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official.

(c) Within 2 weeks after entering a proceeding, a party of record that has made a contribution shall submit a disclosure as described in subsection (a)(2) of this section.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR AND AN ELECTED OFFICIAL ARE SUBJECT TO THE PROVISIONS OF THIS PART VII IF THE CONTRIBUTOR MAKES A CONTRIBUTION TO:

- (I) THE CANDIDATE;
- (II) A SLATE; OR
- (III) THE CANDIDATE'S POLITICAL COMMITTEE.

(2) THE PROVISIONS OF THIS PART VII DO NOT APPLY TO A TRANSFER BY A POLITICAL ACTION COMMITTEE TO A CANDIDATE OR THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE.

[(d)] (E) An affidavit or a disclosure required under this Part VII shall be in a form established by the Howard County Solicitor and approved by the County Council. The completed form shall be filed in the appropriate case file of an application. The disclosure form shall repeat the penalty provision in § 15-850(a) of this Part VII.

[(e)] (F) A contribution made after the filing of the initial disclosure and before final disposition of the application by the County Council shall be disclosed within 5 business days of the contribution.

[(f)] (G) In the enforcement of this Part VII, the administrative clerk to the zoning board or the administrator of the County Council, as appropriate, considering an application shall be subject to the authority of the Howard County Ethics Commission and, unless otherwise directed by the Ethics Commission, shall:

- (1) receive filings of affidavits and disclosures;
- (2) maintain filed affidavits and disclosures as public records available for review by the general public during normal business hours;

- (3) report violations to the Howard County Ethics Commission; and
- (4) perform ministerial duties necessary to administer this Part VII.

[(g)] (H) (1) At least twice each calendar year the administrative assistant to the zoning board and the administrator of the County Council shall prepare a summary report compiling all affidavits and disclosures that have been filed.

(2) The summary report shall be a matter of public record and available for inspection upon written request.

REVISOR'S NOTE: Chapter ____, Acts of 2002, which enacted the Election Law Article, also added subsection (d) of this section, which is new language derived without substantive change from former Art. 33, § 13-303(b) and (c).

In subsection (d) of this section, the former phrase "the treasurer of" a candidate or "a treasurer of" the candidate's political committee is deleted for clarity and consistency with the terminology of the Election Law Article. *See, e.g.*, Title 13, Subtitles 2 and 3, of the Election Law Article.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that, in subsection (d)(1)(ii) of this section, the reference to a "slate" is ambiguous, in that it is unclear whether the reference is to a slate of which the candidate is a member or whether the reference has a broader application.

The Election Law Article Review Committee also notes, for consideration by the General Assembly, that, in subsection (d)(2) of this section, the reference to the candidate's "continuing political committee" also is ambiguous, in that it is unclear whether the General Assembly intended to limit the application of this provision to a candidate's continuing political committee or whether it is intended to cover *all* of a candidate's political committees (campaign finance entities).

15-850.

(a) (1) Any person who knowingly and willfully violates the provisions of this Part VII is subject to a fine of not more than \$5,000.

(2) If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty specified in paragraph (1) of this subsection.

(b) (1) Any person who is subject to the provisions of this Part VII shall preserve for 3 years from the date of filing the application all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate any reports, statements, or records required to be made under this Part VII.

(2) The papers and documents described in paragraph (1) of this subsection shall be available for inspection upon request to the Howard County Ethics Commission, after reasonable notice.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 13-402(c)(1) and (d)(1)(i) of Article 33 - Election Code of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

ELECTRONIC FILING OF CAMPAIGN REPORTS

1.

[(c)] (A) (1) [(i)] Except as provided in [subparagraph (ii) of this paragraph,] PARAGRAPH (2) OF THIS SUBSECTION, beginning with the campaign finance report that is due in November 1997, all campaign finance reports required under [§ 13-401 of this subtitle] TITLE 13, SUBTITLE 3 OF THE ELECTION LAW ARTICLE, which must be filed with the State Board may be submitted to and maintained by the State Board in an electronic storage format.

[(ii)] (2) Beginning with the campaign finance report that is due in November 1997, all campaign finance reports that are required under [§ 13-401 of this subtitle] TITLE 13, SUBTITLE 3 OF THE ELECTION LAW ARTICLE, which must be filed with the State Board by a statewide candidate and any political committee affiliated with the candidate shall be submitted to and maintained by the State Board in an electronic storage format.

[(d)] (B) (1) [(i)] All campaign finance reports due before November 1, 2000, as required under [§ 13-401 of this subtitle,] TITLE 13, SUBTITLE 3 OF THE ELECTION LAW ARTICLE, shall be filed with the State Board on a diskette and maintained by the State Board in an electronic storage format.

REVISOR'S NOTE: This section formerly was Art. 33, § 13-402(c)(1) and (d)(1)(i).

Former § 13-402(c)(1) and (d)(1)(i) are not retained in the Code because, except for sanctions and requirements governing the maintenance by the State Board of certain campaign finance reports filed with the State Board in an electronic storage format, the provisions are obsolete. They are transferred to the Session Laws to avoid any inadvertent substantive effect that their repeal might have.

The only changes are in style.

SECTION 6. AND BE IT FURTHER ENACTED, That the Revisor's Notes, Special Revisor's Notes, General Revisor's Notes, captions, and catchlines contained in this Act are not law and may not be considered to have been enacted as a part of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 8. AND BE IT FURTHER ENACTED, That except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 9. AND BE IT FURTHER ENACTED, That the continuity of every commission, office, department, agency or other unit is retained. The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act for the duration of the term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2002 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction an editor's note following the section affected.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of this State.

SECTION 13. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2003.