

HB1499/763923/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1499
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 18, after “contributions” insert “under certain circumstances; providing an exception”; in line 21, after “time;” insert “requiring certain participating organizations, as defined, making certain contributions or donations or certain disbursements to register with the State Board and file a certain report under certain circumstances; altering the deadline date for certain candidates to file a certificate of candidacy; requiring certain campaign finance entities to file a campaign finance report by a certain date; altering the date by which the State Board shall certify the content and arrangement of a certain ballot;”; in line 32, after “date” insert “for certain provisions of this Act”; in line 35, after “2-102,” insert “5-303, 9-207(a).”; and in line 43, after “13-309.1,” insert “13-309.2.”.

AMENDMENT NO. 2

On pages 4 and 5, strike the lines beginning with line 32 on page 4 through line 9 on page 5, inclusive.

On page 6, strike in their entirety lines 25 through 32, inclusive.

On pages 7 and 8, strike the lines beginning with line 33 on page 7 through line 5 on page 8, inclusive.

On pages 9 and 10, strike the lines beginning with line 13 on page 9 through line 1 on page 10, inclusive.

On pages 14 through 16, strike the lines beginning with line 31 on page 14 through line 23 on page 16, inclusive.

(Over)

On pages 32 and 33, strike the lines beginning with line 6 on page 32 through line 19 on page 33, inclusive.

On pages 37 through 42, strike the lines beginning with line 21 on page 37 through line 2 on page 42, inclusive.

On page 49, after line 20, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

1-101.

(BB-1) “LEGISLATIVE PARTY CAUCUS COMMITTEE” MEANS A POLITICAL COMMITTEE THAT IS ESTABLISHED TO PROMOTE THE ELECTION OF CANDIDATES OF A SINGLE POLITICAL PARTY TO ONE OF THE TWO HOUSES OF THE GENERAL ASSEMBLY.

(ff) “Political action committee” means a political committee that is not:

(1) a political party;

(2) a central committee;

(3) a slate;

(4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;

[(4)] (5) [a political committee organized and operated solely to support or oppose a single candidate] AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE; or

[(5)] (6) [a political committee organized and operated solely to support or oppose] a ballot issue COMMITTEE.

5-303.

(a) Except as provided in subsections (b) and (c) of this section:

(1) in the year in which the Governor is elected, a certificate of candidacy shall be filed not later than 9 p.m. on the [Wednesday following the second Tuesday in April] LAST TUESDAY IN FEBRUARY in the year in which the primary election will be held; and

(2) for any other regularly scheduled election, a certificate of candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before the day on which the primary election will be held.

(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 a campaign finance entity of the candidate; or

(Over)

(2) 5 p.m. on the Wednesday preceding the day of the election for which the certificate is filed.

9-207.

(a) The State Board shall certify the content and arrangement of each ballot:

(1) for a primary election, no more than 11 days after the filing date provided in § 5-303 of this article;

(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.

13-202.

(a) 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) An individual may not file a certificate of candidacy OR A DECLARATION OF INTENT UNDER § 5-703 OR § 5-703.1 OF THIS ARTICLE until the individual establishes, or causes to be established, an authorized [political] CANDIDATE CAMPAIGN committee.

13-208.1.

(A) EACH POLITICAL PARTY MAY ESTABLISH ONE LEGISLATIVE PARTY CAUCUS COMMITTEE FOR EACH HOUSE OF THE GENERAL ASSEMBLY.

(B) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING THE ESTABLISHMENT, STRUCTURE, AND OPERATION OF LEGISLATIVE PARTY CAUCUS COMMITTEES.

13-220.1.

(A) EACH CENTRAL COMMITTEE OF A POLITICAL PARTY OR LEGISLATIVE PARTY CAUCUS COMMITTEE MAY ESTABLISH ONE ADMINISTRATIVE ACCOUNT.

(B) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT MAY BE MADE ONLY FOR NONELECTORAL PURPOSES.

(C) A DONATION TO AN ADMINISTRATIVE ACCOUNT:

(1) MAY BE MADE ONLY IF THE DONOR IS AWARE THAT THE DONATION WILL BE USED FOR NONELECTORAL PURPOSES AND CONSENTS TO THAT USE BEFORE MAKING THE DONATION; AND

(2) IS NOT SUBJECT TO § 13-226(B) OF THIS SUBTITLE.

(Over)

(D) A CAMPAIGN FINANCE ENTITY MAY NOT MAKE A TRANSFER TO AN ADMINISTRATIVE ACCOUNT.

(E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

(1) DEFINE PERMISSIBLE NONELECTORAL DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT; AND

(2) REQUIRE DISCLOSURE OF:

(I) DONATIONS TO AN ADMINISTRATIVE ACCOUNT; AND

(II) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT.

13-234.

(a) A contribution of money may be made only by:

(1) check;

(2) credit card;

(3) cash, if the contribution does not exceed \$100 IN AN ELECTION CYCLE; or

(4) an electronic method that the State Board authorizes by regulation.

(b) An electronic method of making a contribution that the State Board authorizes under this section shall ensure that:

- (1) the identity of the person making the contribution may be verified;
- (2) the transaction is secure; and
- (3) there is an adequate record of the transaction.

13-235.

(a) 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) Except as provided in subsection (c) [or], (d), OR (E) 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 or any other campaign finance entity organized under this title and operated in coordination with a 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 use any contribution of money that was not deposited prior to the session.

(c) 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) 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) AN OFFICIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, OR A PERSON ACTING ON BEHALF OF THE OFFICIAL, MAY DEPOSIT A CONTRIBUTION DURING THE LEGISLATIVE SESSION IF THE CONTRIBUTION WAS MADE ELECTRONICALLY BEFORE THE START OF THE SESSION.

[(e)] (F) (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.

13-309.

(a) Subject to other provisions of this subtitle AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, a campaign finance entity shall file campaign finance reports as follows:

(1) EXCEPT FOR A BALLOT ISSUE COMMITTEE, ON OR BEFORE THE THIRD TUESDAY IN APRIL, IF THE CAMPAIGN FINANCE ENTITY DID NOT FILE THE ANNUAL CAMPAIGN FINANCE REPORT SPECIFIED UNDER SUBSECTION (B)(2) OF THIS SECTION ON THE IMMEDIATELY PRECEDING THIRD WEDNESDAY IN JANUARY;

[(1)] (2) except for a ballot issue committee, on or before the fourth Tuesday immediately preceding each primary election [except a presidential primary election];

[(2)] (3) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(4) ON OR BEFORE THE LAST TUESDAY IN AUGUST IMMEDIATELY PRECEDING A GENERAL ELECTION;

[(3)] (5) for a ballot issue committee only, on or before the fourth Friday immediately preceding a general election;

[(4)] (6) on or before the second Friday immediately preceding a general election; and

(Over)

[(5)] (7) on or before the third Tuesday after a general election.

(b) (1) A campaign finance entity is subject to subsection (a) of this section and this subsection only as to the election in which the entity designates that it will participate.

(2) 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 A campaign finance [reports] REPORT on the third Wednesday in January.

(3) (i) If subsequent to the filing of its declaration under § 13-208(c)(3) of this title, a campaign finance entity participates in an election in which it was not designated to participate, the campaign finance entity shall file all campaign FINANCE reports prescribed under subsection (a) of this section for that election.

(ii) A violation of subparagraph (i) of this paragraph constitutes a failure to file by the campaign finance entity, and the responsible officer is guilty of a misdemeanor and on conviction is subject to the penalties prescribed under Part VII of this subtitle.

(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) In addition to the campaign FINANCE reports required under subsection (a) of this section, a continuing political committee shall file a campaign finance report on the third Wednesday in January of each year the committee is in existence.

(D) AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OF A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL PARTY:

(1) SHALL FILE A CAMPAIGN FINANCE REPORT ON OR BEFORE THE THIRD TUESDAY AFTER A GUBERNATORIAL PRIMARY ELECTION; AND

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND § 13-310 OF THIS SUBTITLE, IS NOT REQUIRED TO FILE ANY OTHER CAMPAIGN FINANCE REPORTS.

13-604.1.

(A) IN THIS SECTION, "PERSON" INCLUDES A POLITICAL COMMITTEE.

(B) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN ACCORDANCE WITH THIS SECTION FOR THE FOLLOWING VIOLATIONS:

(1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN § 13-218(B)(2), (C), AND (D) OF THIS TITLE;

(2) FAILURE TO MAINTAIN A CAMPAIGN BANK ACCOUNT AS REQUIRED IN § 13-220(A) OF THIS TITLE;

(3) MAKING A DISBURSEMENT BY A METHOD NOT AUTHORIZED IN § 13-220(D) OF THIS TITLE;

(4) FAILURE TO MAINTAIN DETAILED AND ACCURATE ACCOUNT BOOKS AND RECORDS AS REQUIRED IN § 13-221 OF THIS TITLE;

(5) FAILURE TO REPORT ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE AS REQUIRED IN § 13-304(B) OF THIS TITLE;

(6) FAILURE TO INCLUDE AN AUTHORITY LINE ON CAMPAIGN MATERIAL AS REQUIRED IN § 13-401 OF THIS TITLE; OR

(7) FAILURE TO RETAIN A COPY OF CAMPAIGN MATERIAL AS REQUIRED IN § 13-403 OF THIS TITLE.

(C) A CIVIL PENALTY IMPOSED UNDER THIS SECTION FOR A VIOLATION SPECIFIED IN SUBSECTION (B) OF THIS SECTION IS IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW.

(D) THE AMOUNT OF A CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$500 FOR EACH VIOLATION.

(E) THE CIVIL PENALTY IS PAYABLE TO THE STATE BOARD BY THE PERSON CHARGED IN A CITATION WITHIN 20 CALENDAR DAYS AFTER SERVICE OF THE CITATION.

(F) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE CAMPAIGN FINANCE ENTITY.

(2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS WITH WHICH TO PAY THE FULL AMOUNT OF THE CIVIL PENALTY IN A TIMELY MANNER, AFTER THE CAMPAIGN ACCOUNT OF THE FINANCE ENTITY IS EXHAUSTED THE BALANCE OF THE CIVIL PENALTY IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE OFFICERS.

(3) IF A VIOLATION IS COMMITTED BY A PERSON NOT ACTING ON BEHALF OF, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE OR A CAMPAIGN FINANCE ENTITY, THE CIVIL PENALTY SHALL BE PAID BY THE PERSON WHO COMMITTED THE VIOLATION.

(G) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE STATE BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(H) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN ACCORDANCE WITH THE MARYLAND RULES.

(I) THE CITATION SHALL CONTAIN:

(1) THE CERTIFICATION BY THE STATE BOARD ATTESTING TO THE TRUTH OF THE MATTER SET FORTH IN THE CITATION;

(2) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(3) THE NATURE, TIME, AND PLACE OF THE VIOLATION;

(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;

(5) THE AMOUNT OF THE PENALTY ASSESSED;

(6) THE MANNER, TIME, AND LOCATION TO PAY THE PENALTY;

(7) A STATEMENT THAT THE PERSON RECEIVING THE CITATION HAS A RIGHT TO TRIAL IN THE DISTRICT COURT; AND

(Over)

(8) THE EFFECT OF FAILING TO PAY THE ASSESSED FINE OR OF FAILING TO DEMAND A TRIAL WITHIN THE PRESCRIBED TIME.

(J) (1) A PERSON CHARGED IN A CITATION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY NOTIFYING THE STATE BOARD IN WRITING OF THE PERSON'S INTENT TO STAND TRIAL.

(2) THE WRITTEN NOTICE SHALL BE GIVEN AT LEAST 5 DAYS BEFORE THE DATE OF PAYMENT AS SET FORTH IN THE CITATION.

(K) (1) ON RECEIPT OF THE WRITTEN NOTICE OF INTENT TO STAND TRIAL, THE STATE BOARD SHALL FORWARD TO THE STATE PROSECUTOR A COPY OF THE CITATION AND THE WRITTEN NOTICE.

(2) THE STATE PROSECUTOR SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND THE WRITTEN NOTICE.

(3) ON RECEIPT OF THE CITATION AND THE WRITTEN NOTICE:

(I) THE STATE PROSECUTOR SHALL ASSUME RESPONSIBILITY FOR PROSECUTING THE VIOLATION; AND

(II) THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL, NOTIFY THE DEFENDANT OF THE TRIAL DATE, AND SUMMON THE DEFENDANT TO APPEAR.

(L) (1) IF A PERSON CHARGED IN A CITATION FAILS TO PAY THE PENALTY BY THE DATE OF PAYMENT SET FORTH IN THE CITATION AND FAILS TO DELIVER TO THE STATE BOARD THE WRITTEN NOTICE OF INTENT TO STAND TRIAL, THE PERSON IS LIABLE FOR THE ASSESSED PENALTY.

(2) THE STATE PROSECUTOR, ON BEHALF OF THE STATE BOARD, MAY DOUBLE THE PENALTY TO AN AMOUNT NOT TO EXCEED \$1,000 AND REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT BY FILING A DEMAND FOR JUDGMENT ON AFFIDAVIT.

(M) THE DEFENDANT'S FAILURE TO RESPOND TO THE SUMMONS OF THE DISTRICT COURT SHALL RESULT IN THE ENTRY OF JUDGMENT AGAINST THE DEFENDANT IN FAVOR OF THE STATE BOARD IN THE AMOUNT SET FORTH IN THE CITATION IF A PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT HAS BEEN MADE.

(N) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE COMMITTED A VIOLATION:

(1) (I) THE DISTRICT COURT SHALL ORDER THE PERSON TO PAY THE PENALTY SET FORTH IN THE CITATION AND MAY DOUBLE THE AMOUNT OF THE PENALTY TO AN AMOUNT NOT TO EXCEED \$1,000;

(II) THE PENALTY IMPOSED SHALL CONSTITUTE A JUDGMENT IN FAVOR OF THE STATE BOARD; AND

(III) IF THE PENALTY REMAINS UNPAID FOR 30 DAYS FOLLOWING THE DATE OF ITS ENTRY, THE JUDGMENT SHALL BE ENFORCEABLE IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS FOR MONEY UNLESS THE COURT HAS SUSPENDED OR DEFERRED PAYMENT OF THE PENALTY AS PROVIDED IN ITEM (2) OF THIS SUBSECTION;

(2) THE DISTRICT COURT MAY SUSPEND OR DEFER THE PAYMENT OF ANY PENALTY UNDER CONDITIONS THAT THE COURT SETS;

(Over)

(3) THE DEFENDANT SHALL BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT; AND

(4) THE DISTRICT COURT MAY ORDER THE PERSON TO ABATE THE VIOLATION.

(O) IF A DEFENDANT FAILS TO PAY ANY PENALTY OR COST IMPOSED BY THE DISTRICT COURT WITHOUT GOOD CAUSE, THE DISTRICT COURT MAY PUNISH THE FAILURE AS CONTEMPT OF COURT.

(P) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

(1) IS NOT A CRIMINAL CONVICTION; AND

(2) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT ARISE FROM A CRIMINAL CONVICTION.

(Q) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION UNDER THIS SECTION:

(1) THE STATE PROSECUTOR HAS THE BURDEN TO PROVE THAT THE DEFENDANT HAS COMMITTED THE VIOLATION BY CLEAR AND CONVINCING EVIDENCE;

(2) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PROVIDED BY LAW OR RULE FOR THE TRIAL OF CIVIL CAUSES;

(3) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(4) THE DEFENDANT MAY CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, PRODUCE EVIDENCE OR WITNESSES IN THE DEFENDANT'S OWN BEHALF, OR TESTIFY IN THE DEFENDANT'S OWN BEHALF;

(5) THE DEFENDANT SHALL BE ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S OWN SELECTION AND AT THE DEFENDANT'S OWN EXPENSE;

(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY OF THE VIOLATION AS CHARGED; AND

(7) THE VERDICT OF THE DISTRICT COURT SHALL BE GUILTY OF A VIOLATION OR NOT GUILTY OF A VIOLATION, OR THE DISTRICT COURT MAY, BEFORE RENDERING JUDGMENT, PLACE THE DEFENDANT ON PROBATION.

(R) THE STATE BOARD SHALL CONSIDER THE FOLLOWING IN DETERMINING THE AMOUNT OF A PENALTY UNDER THIS SECTION:

(1) THE SEVERITY OF THE VIOLATION FOR WHICH THE PENALTY IS TO BE ASSESSED;

(2) THE GOOD FAITH OF THE VIOLATOR; AND

(3) ANY HISTORY OF PRIOR VIOLATIONS.

(S) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE.

AMENDMENT NO. 3

On pages 11 and 12, strike in their entirety the lines beginning with line 12 on page 11 down through line 16 on page 12, inclusive.

On page 12, in line 17, strike the brackets; in the same line, strike “(E)”; and in line 20, strike “(F)” and substitute “**(E)**”.

On page 18, in line 30, strike “ORGANIZED” and substitute “**REGISTERED AND FILES THE REPORTS**”.

On page 19, in line 26, strike “AN AUTHORIZED CANDIDATE CAMPAIGN” and substitute “**A POLITICAL**”.

AMENDMENT NO. 4

On page 22, strike in their entirety lines 24 through 27, inclusive, and substitute:

“2. AN INTERNAL MEMBERSHIP COMMUNICATION BY A BUSINESS OR OTHER ENTITY TO ITS STOCKHOLDERS OR MEMBERS AND EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE FAMILIES, OR BY A MEMBERSHIP ENTITY, AS DEFINED UNDER § 13-243 OF THIS TITLE, TO ITS MEMBERS, EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE FAMILIES; OR”.

On page 24, in line 33, strike “IN” and substitute “**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN**”.

On page 25, in lines 4 and 7, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and after line 9, insert:

“(II) IF THE FAILURE TO FILE PROPERLY AN INDEPENDENT EXPENDITURE REPORT OR AN AMENDED INDEPENDENT EXPENDITURE REPORT OCCURS MORE THAN 28 DAYS BEFORE THE DAY OF A PRIMARY OR GENERAL ELECTION, THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING THE GREATER OF:

1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT EXPENDITURE REPORT IS OVERDUE; OR

2. 10% OF THE AMOUNT OF THE DONATIONS OR DISBURSEMENTS FOR INDEPENDENT EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY MANNER.”.

On page 27, strike in their entirety lines 24 through 27, inclusive, and substitute:

“4. AN INTERNAL MEMBERSHIP COMMUNICATION BY A BUSINESS OR OTHER ENTITY TO ITS STOCKHOLDERS OR MEMBERS AND EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE FAMILIES, OR BY A MEMBERSHIP ENTITY, AS DEFINED UNDER § 13-243 OF THIS TITLE, TO ITS MEMBERS, EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE FAMILIES; OR”.

On page 30, in line 23, strike “IN” and substitute “**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN**”; in lines 28 and 31,

(Over)

strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and after line 33, insert:

“(II) IF THE FAILURE TO FILE PROPERLY AN ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED ELECTIONEERING COMMUNICATION REPORT OCCURS MORE THAN 28 DAYS BEFORE THE DAY OF A PRIMARY OR GENERAL ELECTION, THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING THE GREATER OF:

1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING COMMUNICATION REPORT IS OVERDUE; OR

2. 10% OF THE AMOUNT OF THE DONATIONS OR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT REPORTED IN A TIMELY MANNER.”.

AMENDMENT NO. 5

On page 33, in lines 23 and 27, in each instance, after “POLITICAL” insert “ACTION”; in lines 23 and 24, strike “IF THE EXPENDITURES OF THE POLITICAL COMMITTEE ARE EXCLUSIVELY” and substitute “THAT EXCLUSIVELY MAKES”; in line 30, after “(D)” insert “(1)”; in the same line, strike “CAMPAIGN FINANCE” and substitute “DISCLOSURE”; and after line 32, insert:

“(2) THE POLITICAL ACTION COMMITTEE SHALL INCLUDE ALL OF THE INFORMATION REPORTED ON A DISCLOSURE REPORT ON ITS REGULARLY FILED CAMPAIGN FINANCE REPORTS.”.

On page 34, strike in their entirety lines 1 through 10, inclusive, and substitute:

“(E) A POLITICAL ACTION COMMITTEE SHALL FILE A DISCLOSURE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE POLITICAL ACTION COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR MORE ON CAMPAIGN MATERIAL DURING THE REPORTING PERIOD COVERED BY ITS NEXT CAMPAIGN FINANCE REPORT.

“(F) A POLITICAL ACTION COMMITTEE SHALL FILE AN ADDITIONAL DISCLOSURE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE POLITICAL ACTION COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR MORE ON CAMPAIGN MATERIAL FOLLOWING THE CLOSING DATE OF THE IMMEDIATELY PRECEDING DISCLOSURE REPORT FILED BY THE POLITICAL ACTION COMMITTEE.”;

in lines 13, 21, and 22, in each instance, strike “CAMPAIGN FINANCE” and substitute “DISCLOSURE”; and in lines 16 and 17, strike “CAMPAIGN FINANCE” and substitute “DISCLOSURE”.

On page 36, in line 12, after “(A)” insert “(1)”; and after line 15, insert:

“(2) WHEN ESTABLISHING A SYSTEM OF PUBLIC CAMPAIGN FINANCING FOR ELECTIVE OFFICES IN THE EXECUTIVE OR LEGISLATIVE BRANCHES OF COUNTY GOVERNMENT, THE GOVERNING BODY OF A COUNTY SHALL SPECIFY THE CRITERIA THAT IS TO BE USED TO DETERMINE WHETHER AN INDIVIDUAL IS ELIGIBLE FOR PUBLIC CAMPAIGN FINANCING.”.

AMENDMENT NO. 6

On page 34, after line 28, insert:

“13-309.2.

(Over)

(A) IN THIS SECTION, "PARTICIPATING ORGANIZATION" MEANS ANY ENTITY THAT IS ORGANIZED UNDER § 501(C)(4) OR (6) OR § 527 OF THE INTERNAL REVENUE CODE AND MAKES:

(1) A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY FOR THE EXPRESS PURPOSE OF CAUSING THE CAMPAIGN FINANCE ENTITY TO MAKE A DISBURSEMENT IN THE STATE;

(2) A DONATION TO A PERSON FOR THE EXPRESS PURPOSE OF CAUSING THE PERSON TO MAKE AN INDEPENDENT EXPENDITURE OR A DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS IN THE STATE; OR

(3) A DONATION TO AN OUT-OF-STATE POLITICAL COMMITTEE FOR THE EXPRESS PURPOSE OF CAUSING THE POLITICAL COMMITTEE TO MAKE A DISBURSEMENT IN THE STATE.

(B) WITHIN 48 HOURS AFTER A PARTICIPATING ORGANIZATION MAKES A CONTRIBUTION, DONATION, OR DISBURSEMENT OF \$6,000 OR MORE IN AN ELECTION CYCLE THE PARTICIPATING ORGANIZATION SHALL FILE A REGISTRATION FORM WITH THE STATE BOARD.

(C) A PARTICIPATING ORGANIZATION SHALL FILE A REPORT WITH THE STATE BOARD IN THE YEAR OF THE ELECTION FOR WHICH IT IS PARTICIPATING FOR THE PERIODS AND ON OR BEFORE THE DATES THAT A CAMPAIGN FINANCE ENTITY FOR A CANDIDATE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT UNDER THIS SUBTITLE.

(D) THE REPORT SHALL INCLUDE ALL DISBURSEMENTS MADE TO INFLUENCE AN ELECTION IN THE STATE AND EITHER:

(1) THE NAME, ADDRESS, AND OCCUPATION, IF ANY, OF THE FIVE DONORS WHO GAVE THE LARGEST AMOUNT OF MONEY TO THE PARTICIPATING ORGANIZATION TO INFLUENCE AN ELECTION IN THE STATE DURING THE 1 YEAR PERIOD THAT IMMEDIATELY PRECEDES THE DATE OF THE REPORT; OR

(2) IF THE PARTICIPATING ORGANIZATION MADE A FILING WITH THE STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION WITHIN 6 MONTHS OF THE DATE WHEN A REPORT OTHERWISE WOULD BE REQUIRED, DESCRIBE HOW THE PUBLIC MAY ACCESS VIA THE INTERNET THE PARTICIPATING ORGANIZATION'S REPORTS THAT DETAIL DISBURSEMENTS MADE AND DONATIONS RECEIVED."

AMENDMENT NO. 7

On page 47, in line 31, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A".

On page 48, in line 1, strike "REQUIRE" and substitute ":((I) REQUIRE"; in line 2, after "TITLE" insert ";AND"; in line 3, strike the period; in line 4, strike "(2) A GOVERNMENTAL ENTITY SHALL" and substitute "(II)"; in line 5, strike "OF THE NAMES AND CONTACT INFORMATION OF PERSONS" and substitute "IF A PERSON"; in lines 6 and 7, strike "WHO ARE REQUIRED" and substitute "FAILS"; strike beginning with "WITHIN" in line 8 down through "ENTITY" in line 9; and after line 9, insert:

"(2) THIS SUBSECTION DOES NOT APPLY TO A CONTRACT FOR WHICH NOTICE OF AWARD HAS BEEN POSTED ON EMARYLAND MARKETPLACE."

AMENDMENT NO. 8

On page 49, in lines 21, 25, and 31, strike “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, and “6.”, respectively; in line 29, strike the second comma; in line 31, after “That” insert “Sections 1, 2, and 4 of”; and after line 32, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect October 1, 2013.”.