

# HOUSE BILL 1499

G1

(3lr2714)

## ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **The Speaker (By Request – Commission to Study Campaign Finance Law) and Delegates Cardin, George, and Summers**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Campaign Finance Reform Act of 2013**

3 FOR the purpose of altering certain definitions; authorizing the State Board of  
4 Elections to audit certain account books, records, and statements; requiring an  
5 individual to establish an authorized candidate campaign committee before  
6 filing a declaration of intent; prohibiting a political committee from receiving or  
7 disbursing money if there is a vacancy in certain offices of the committee;  
8 ~~prohibiting a candidate from remaining a member of a slate or joining a slate~~  
9 providing that a candidate may join a slate or continue as a member of a slate  
10 only under certain circumstances; authorizing the establishment of legislative  
11 party caucus committees; providing that the State Board satisfies certain notice  
12 requirements by sending notices to certain addresses; authorizing a central  
13 committee of a political party or legislative party caucus committee to establish  
14 an administrative account; establishing requirements for the functioning of

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 administrative accounts; altering the circumstances under which a campaign  
2 contribution receipt must be issued; altering certain limits on the aggregate  
3 amount of contributions a person may make in an election cycle; requiring that  
4 certain contribution limits and certain transfer limits be adjusted in a certain  
5 manner at certain times; providing that contributions by two or more business  
6 entities be considered as being made by one contributor under certain  
7 circumstances; providing that certain limits on transfers between campaign  
8 finance entities do not apply to certain campaign finance entities; establishing a  
9 limit on the amount of transfers a slate may make in an election cycle to the  
10 authorized candidate campaign committees of its members; establishing a limit  
11 on the amount of transfers a legislative party caucus committee may make in an  
12 election cycle to the authorized candidate campaign committee of a candidate  
13 the legislative party caucus committee seeks to elect; requiring certain political  
14 action committees to include certain information on the face of a check  
15 transferring funds to another campaign finance entity; authorizing certain  
16 officials to deposit a contribution during a session of the General Assembly  
17 under certain circumstances; repealing a certain provision relating to  
18 expenditures made by a campaign finance entity located outside the State;  
19 requiring an out-of-state political committee to register and file reports with  
20 the State Board that include certain information at certain times and in a  
21 certain manner; altering certain requirements for contributions received from  
22 the sale of a raffle ticket, spin, or chance at a campaign fundraising event;  
23 prohibiting an authorized candidate campaign committee from reporting more  
24 than a certain amount of certain contributions in an election cycle on its  
25 campaign finance reports without providing certain information about each  
26 contribution; authorizing a political committee to report certain contributions  
27 collected in a certain manner on its campaign finance reports without providing  
28 certain information about each contribution under certain circumstances;  
29 repealing certain provisions relating to the filing of campaign finance reports or  
30 affidavits by authorized candidate campaign committees of candidates for  
31 election to the central committee of a political party; altering certain definitions  
32 in the law governing disclosure of independent expenditures and electioneering  
33 communications; requiring a person who makes a certain amount of  
34 independent expenditures or electioneering communications to register and file  
35 certain reports with the State Board within a certain time; requiring an  
36 independent expenditure or electioneering communication report to identify  
37 persons who made donations of a certain amount to the person making the  
38 independent expenditure or electioneering communication; requiring a person to  
39 file an amended independent expenditure or electioneering communication  
40 report under certain circumstances; authorizing the State Board to assess  
41 certain civil penalties for failure to file properly an independent expenditure or  
42 electioneering communication report; requiring a campaign finance entity to file  
43 a campaign finance report on a certain date immediately preceding a general  
44 election; providing that the authorized candidate campaign committee of a  
45 candidate for election to the central committee of a political party is required to  
46 file certain campaign finance reports and is not required to file any other  
47 campaign finance reports; requiring a political committee that makes only

1 independent expenditures or electioneering communications to file campaign  
2 finance reports at certain times and subject to certain sanctions; requiring a  
3 campaign finance entity to file an amended campaign finance report under  
4 certain circumstances; providing for certain fees and other sanctions for late  
5 filing of an amended campaign finance report; altering certain fees for late filing  
6 of a campaign finance report; requiring that a late filing fee be paid by a  
7 campaign finance entity except under certain circumstances; authorizing the  
8 governing body of a county to establish a system of public campaign financing  
9 for elective offices in the executive or legislative branches of county government;  
10 specifying certain requirements for a county system of public campaign  
11 financing; authorizing the State Board to assess a civil penalty for certain  
12 violations of campaign finance law; providing for the maximum amount of a civil  
13 penalty and requirements for issuing, paying, and contesting a civil penalty;  
14 authorizing a person who is assessed a civil penalty to elect to stand trial for the  
15 violation in District Court; requiring the State Prosecutor to assume  
16 responsibility for prosecuting a violation in District Court; providing for the  
17 procedures to be followed in the District Court; providing that a civil penalty is  
18 not a criminal conviction; altering certain definitions in the law governing  
19 disclosure of contributions by persons doing public business; altering certain  
20 requirements relating to certain statements of contributions by persons doing  
21 public business; transferring responsibility for waiving certain disclosure  
22 requirements applicable to persons doing public business from the Attorney  
23 General to the State Board; requiring a person doing public business to  
24 maintain certain records for a certain period of time; requiring a governmental  
25 entity to ~~verify that~~ require a person doing public business with the  
26 governmental entity to certify that the person has filed a certain statement of  
27 contributions under certain circumstances; providing an exception before  
28 ~~allowing the person to begin performance of a contract;~~ requiring a  
29 governmental entity to notify the State Board of persons doing public business  
30 with the governmental entity who are required to file a certain statement of  
31 contributions within a certain period of time; requiring certain participating  
32 organizations, as defined, making certain contributions or donations or certain  
33 disbursements to register with the State Board and file a certain report under  
34 certain circumstances; altering the deadline date for certain candidates to file a  
35 certificate of candidacy; requiring certain campaign finance entities to file a  
36 campaign finance report by a certain date; altering the date by which the State  
37 Board shall certify the content and arrangement of a certain ballot; requiring a  
38 person doing public business to file an amended statement of contributions  
39 under certain circumstances; authorizing the State Board to impose certain fees  
40 for late filing of a statement of contributions by a person doing public business  
41 in a certain manner; authorizing the State Board to adopt regulations  
42 implementing the law governing disclosure of contributions by persons doing  
43 public business; extending the statute of limitations for a misdemeanor  
44 constituting a criminal offense under the State election laws; providing for the  
45 application of the extension of the statute of limitations under this Act; making  
46 technical and clarifying corrections; making conforming changes; defining  
47 certain terms; making the provisions of this Act severable; providing for a

1 delayed effective date *for certain provisions of this Act*; and generally relating to  
2 campaign finance.

3 BY repealing and reenacting, with amendments,  
4 Article – Election Law  
5 Section 1–101(o), (ff), and (gg), 2–102, 5–303, 9–207(a), 13–202, 13–207, 13–209,  
6 13–214, 13–222, 13–226, 13–227, 13–228, 13–234, 13–235, 13–240,  
7 13–304, 13–305, 13–306, 13–307, 13–309, 13–327, 13–331, 13–340,  
8 14–101, 14–104, 14–105, and 14–107  
9 Annotated Code of Maryland  
10 (2010 Replacement Volume and 2012 Supplement)

11 BY adding to  
12 Article – Election Law  
13 Section 1–101(bb–1), 13–208.1, 13–220.1, 13–301, 13–309.1, 13–309.2, 13–505,  
14 13–604.1, and 14–109  
15 Annotated Code of Maryland  
16 (2010 Replacement Volume and 2012 Supplement)

17 BY repealing  
18 Article – Election Law  
19 Section 13–301  
20 Annotated Code of Maryland  
21 (2010 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Election Law  
24 Section 14–102, 14–103, 14–106, and 14–108  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article – Courts and Judicial Proceedings  
29 Section 5–106(f) and (h)  
30 Annotated Code of Maryland  
31 (2006 Replacement Volume and 2012 Supplement)

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

34 **Article – Election Law**

35 1–101.

36 (o) (1) “Contribution” means the gift or transfer, or promise of gift or  
37 transfer, of money or other thing of value to a campaign finance entity to promote or

1 assist in the promotion of the success or defeat of a candidate, political party, or  
2 question.

3 (2) "Contribution" includes:

4 (I) proceeds from the sale of tickets to a campaign fund-raising  
5 event; AND

6 (II) A DISBURSEMENT OR DEPOSIT OF MONEY OR A GIFT, A  
7 SUBSCRIPTION, A LOAN, AN ADVANCE, OR ANYTHING OF VALUE THAT IS MADE  
8 BY A PERSON IN COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF,  
9 A CANDIDATE OR A CAMPAIGN FINANCE ENTITY OF A CANDIDATE.

10 ~~(BB-1) "LEGISLATIVE PARTY CAUCUS COMMITTEE" MEANS A~~  
11 ~~POLITICAL COMMITTEE THAT IS ESTABLISHED TO PROMOTE THE ELECTION OF~~  
12 ~~CANDIDATES OF A SINGLE POLITICAL PARTY TO ONE OF THE TWO HOUSES OF~~  
13 ~~THE GENERAL ASSEMBLY.~~

14 ~~(ff) "Political action committee" means a political committee that is not:~~

15 ~~(1) a political party;~~

16 ~~(2) a central committee;~~

17 ~~(3) a slate;~~

18 ~~(4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;~~

19 ~~[(4)] (5) a political committee organized and operated solely to~~  
20 ~~support or oppose a single candidate; or~~

21 ~~[(5)] (6) a political committee organized and operated solely to~~  
22 ~~support or oppose a ballot issue.~~

23 (gg) "Political committee" means a combination of two or more individuals  
24 that [assists or attempts] **HAS AS ITS MAJOR PURPOSE ASSISTING OR**  
25 **ATTEMPTING** to assist in promoting the success or defeat of a candidate, political  
26 party, or question submitted to a vote at any election.

27 2-102.

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

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

4           (1) supervise the conduct of elections in the State;

5           (2) direct, support, monitor, and evaluate the activities of each local  
6 board;

7           (3) have a staff sufficient to perform its functions;

8           (4) adopt regulations to implement its powers and duties;

9           (5) receive, [and] **OR** in its discretion audit, campaign finance reports,  
10 **ACCOUNT BOOKS AND RECORDS KEPT UNDER § 13–221 OF THIS ARTICLE**,  
11 independent expenditure reports filed **AND RECORDS KEPT** under § 13–306 of this  
12 article, [and] electioneering communication reports filed **AND RECORDS KEPT** under  
13 § 13–307 of this article, **AND STATEMENTS FILED AND RECORDS KEPT UNDER §**  
14 **14–105 OF THIS ARTICLE**;

15           (6) appoint a State Administrator in accordance with § 2–103 of this  
16 subtitle;

17           (7) maximize the use of technology in election administration,  
18 including the development of a plan for a comprehensive computerized elections  
19 management system;

20           (8) canvass and certify the results of elections as prescribed by law;

21           (9) make available to the general public, in a timely and efficient  
22 manner, information on the electoral process, including a publication that includes the  
23 text of this article, relevant portions of the Maryland Constitution, and information  
24 gathered and maintained regarding elections;

25           (10) subject to § 2–106 of this subtitle and § 13–341 of this article,  
26 receive, maintain, and serve as a depository for elections documents, materials,  
27 records, statistics, reports, certificates, proclamations, and other information  
28 prescribed by law or regulation;

29           (11) prescribe all forms required under this article; and

30           (12) serve as the official designated office in accordance with the  
31 Uniformed and Overseas Citizens Absentee Voting Act for providing information  
32 regarding voter registration and absentee ballot procedures for absent uniformed  
33 services voters and overseas voters with respect to elections for federal office.

1 (c) The powers and duties assigned to the State Board under this article  
2 shall be exercised in accordance with an affirmative vote by a supermajority of the  
3 members of the State Board.

4 ~~13-202.~~

5 (a) ~~Unless otherwise expressly authorized by law, all campaign finance~~  
6 ~~activity for an election under this article shall be conducted through a campaign~~  
7 ~~finance entity.~~

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

12 13-207.

13 (a) This section applies to a political committee other than a political club.

14 (b) A political committee may not receive or disburse money or any other  
15 thing of value unless the political committee is established in accordance with the  
16 requirements of this section.

17 (c) To establish a political committee:

18 (1) a chairman and a treasurer shall be appointed on a form that the  
19 State Board prescribes and that is signed by the chairman and treasurer and includes:

20 (i) the residence addresses of the chairman and the treasurer;

21 (ii) if the chairman and treasurer affirmatively consent to  
22 receiving notice under this title only by electronic mail, the electronic mail address of  
23 the chairman and the treasurer; and

24 (iii) the information required by § 13-208 of this subtitle; and

25 (2) the form shall be filed with the [board where the political  
26 committee is required to file campaign finance reports] **STATE BOARD.**

27 (3) The chairman or treasurer of a political committee shall notify the  
28 State Board of a change in the residence address of the chairman or treasurer no later  
29 than 21 days before the day on which the political committee's next campaign finance  
30 report is due under § 13-309 of this title.

31 (4) The chairman or treasurer of a political committee shall notify the  
32 State Board of a change in the electronic mail address of the chairman or treasurer by

1 the date specified in paragraph (3) of this subsection if the chairman and treasurer of  
 2 the political committee have affirmatively consented to receiving notice under this title  
 3 only by electronic mail.

4 (d) (1) A chairman or treasurer of a political committee may resign by  
 5 completing a resignation form that the State Board prescribes and filing the form with  
 6 the [board where the political committee was established] **STATE BOARD**.

7 (2) If a vacancy occurs in the office of chairman or the office of  
 8 treasurer, the political committee promptly shall appoint a new chairman or treasurer  
 9 in accordance with this section.

10 **(3) A POLITICAL COMMITTEE MAY NOT RECEIVE OR DISBURSE**  
 11 **MONEY OR ANY OTHER THING OF VALUE IF THERE IS A VACANCY IN THE OFFICE**  
 12 **OF CHAIRMAN OR THE OFFICE OF TREASURER.**

13 ~~13-208.1.~~

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

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

19 13-209.

20 (a) Two or more candidates who have established separate campaign finance  
 21 entities may form a slate.

22 (b) After establishing a campaign finance entity in accordance with §  
 23 13-202(b) of this subtitle, a candidate may join a slate.

24 (c) (1) To join a slate, a candidate shall file a written notice with the State  
 25 Board.

26 (2) The notice shall specify:

27 (i) the name of the slate that the candidate has joined; and

28 (ii) the date on which the candidate joined the slate.

29 ~~(D) A CANDIDATE MAY NOT REMAIN A MEMBER OF A SLATE OR JOIN A~~  
 30 ~~SLATE IF THE CANDIDATE:~~

31 ~~(1) HAS NOT FILED A CERTIFICATE OF CANDIDACY; AND~~



~~(2) IS NOT AN INCUMBENT OFFICEHOLDER.~~

**(D) A CANDIDATE MAY JOIN A SLATE OR CONTINUE AS A MEMBER OF A SLATE ONLY IF:**

**(1) THE CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY;**  
**OR**

**(2) (I) THE CANDIDATE IS AN INCUMBENT OFFICEHOLDER;**  
**AND**

**(II) THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE OFFICE THE CANDIDATE HOLDS HAS NOT PASSED.**

13-214.

(a) The responsible officers of a campaign finance entity are jointly and severally responsible for:

(1) filing all campaign finance reports in full and accurate detail; and  
[for]

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, all other actions of the entity.

(b) Notice shall be provided to a campaign finance entity by serving the responsible officers.

**(C) THE STATE BOARD SATISFIES ALL NOTICE REQUIREMENTS UNDER THIS TITLE BY SENDING NOTICES TO THE ADDRESSES PROVIDED BY THE RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY UNDER § 13-207(C) OF THIS SUBTITLE.**

~~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 ADMINISTRATIVE NONELECTORAL PURPOSES AND CONSENTS TO THAT USE BEFORE MAKING THE DONATION; AND~~

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

~~(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.~~

13-222.

(a) (1) By the next deadline for filing a campaign finance report after receiving a contribution specified in paragraph (2) of this subsection, a treasurer 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 shall issue a campaign contribution receipt for any other contribution.

(4) A campaign contribution receipt issued under this section is evidence of the contribution.

1 (b) The information from a campaign contribution receipt shall be included  
2 in the campaign finance report filed by the treasurer under this title.

3 13-226.

4 (a) The limits on contributions in this section do not apply to:

5 (1) a contribution to a ballot issue committee; or

6 (2) those contributions defined as transfers.

7 (b) Subject to [subsection] SUBSECTIONS (c) AND (D) of this section, a  
8 person may not, either directly or indirectly, in an election cycle make aggregate  
9 contributions in excess of:

10 (1) ~~[\$4,000]~~ **\$6,000** to any one campaign finance entity; or

11 (2) ~~[\$10,000]~~ **\$24,000** to all campaign finance entities.

12 (c) (1) Notwithstanding subsection (b) of this section, a central committee  
13 of a political party **OR LEGISLATIVE PARTY CAUCUS COMMITTEE** may make  
14 aggregate in-kind contributions **TO A SINGLE CANDIDATE** during an election cycle  
15 that are not in excess of:

16 (i) for a State central committee **OR LEGISLATIVE PARTY**  
17 **CAUCUS COMMITTEE**, \$1 for every two registered voters in the State; and

18 (ii) for a local central committee, \$1 for every two registered  
19 voters in the county.

20 (2) For the purposes of paragraph (1) of this subsection, the number of  
21 registered voters is determined, regardless of party affiliation, as of the first day of the  
22 election cycle.

23 ~~(D) (1) BEGINNING WITH THE ELECTION CYCLE THAT BEGINS ON~~  
24 ~~JANUARY 1, 2019, AND AT THE BEGINNING OF EACH ELECTION CYCLE~~  
25 ~~THEREAFTER, THE CONTRIBUTION LIMITS UNDER SUBSECTION (B) OF THIS~~  
26 ~~SECTION AND THE TRANSFER LIMITS UNDER § 13-227(C) OF THIS SUBTITLE~~  
27 ~~SHALL BE ADJUSTED IN ACCORDANCE WITH THIS SUBSECTION.~~

28 ~~(2) ON OR BEFORE THE DECEMBER 20 IMMEDIATELY PRECEDING~~  
29 ~~THE END OF AN ELECTION CYCLE, THE STATE BOARD SHALL DETERMINE AND~~  
30 ~~ANNOUNCE THE CONTRIBUTION LIMITS AND TRANSFER LIMITS EFFECTIVE FOR~~  
31 ~~THE NEXT ELECTION CYCLE.~~

1           ~~(3) SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,~~  
2 ~~THE CONTRIBUTION LIMIT IN SUBSECTION (B)(1) OF THIS SECTION AND THE~~  
3 ~~TRANSFER LIMIT UNDER § 13-227(C)(1) OF THIS SUBTITLE SHALL BE~~  
4 ~~INCREASED BY THE AMOUNT THAT EQUALS THE PRODUCT OF MULTIPLYING:~~

5           ~~(I) THE CONTRIBUTION LIMIT OR TRANSFER LIMIT IN~~  
6 ~~EFFECT FOR THE CURRENT ELECTION CYCLE; AND~~

7           ~~(II) THE PERCENTAGE GROWTH IN THE CONSUMER PRICE~~  
8 ~~INDEX AS DETERMINED BY THE STATE BOARD UNDER PARAGRAPH (4) OF THIS~~  
9 ~~SUBSECTION.~~

10           ~~(4) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX"~~  
11 ~~MEANS THE INDEX FOR ALL URBAN CONSUMERS PUBLISHED MONTHLY BY THE~~  
12 ~~BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR THAT IS~~  
13 ~~A WEIGHTED THE U.S. CITY AVERAGE OF ALL ITEMS IN A BASKET OF CONSUMER~~  
14 ~~GOODS AND SERVICES.~~

15           ~~(II) THE PERCENTAGE GROWTH IN THE CONSUMER PRICE~~  
16 ~~INDEX SHALL BE DETERMINED BY COMPARING THE AVERAGE OF THE INDEX~~  
17 ~~FOR THE CURRENT YEAR THROUGH NOVEMBER 30 AND THE PRECEDING 3~~  
18 ~~YEARS TO THE AVERAGE OF THE INDEX FOR THE PRIOR 4 YEARS.~~

19           ~~(5) THE AMOUNT RESULTING FROM THE CALCULATION UNDER~~  
20 ~~PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ROUNDED TO THE NEAREST~~  
21 ~~MULTIPLE OF \$500.~~

22           ~~(6) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER~~  
23 ~~PRICE INDEX, THE CONTRIBUTION LIMITS AND TRANSFER LIMITS FOR THE~~  
24 ~~NEXT ELECTION CYCLE SHALL REMAIN UNCHANGED FROM THOSE IN EFFECT~~  
25 ~~FOR THE CURRENT ELECTION CYCLE.~~

26           ~~(7) THE CONTRIBUTION LIMIT UNDER SUBSECTION (B)(2) OF~~  
27 ~~THIS SECTION AND THE TRANSFER LIMIT UNDER § 13-227(C)(2) OF THIS~~  
28 ~~SUBTITLE SHALL BE ADJUSTED AT THE BEGINNING OF EACH ELECTION CYCLE~~  
29 ~~TO AN AMOUNT EQUAL TO 4 TIMES THE AMOUNT RESULTING FROM THE~~  
30 ~~CALCULATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

31           ~~{(d)}~~ (E)     The limit on contributions to the campaign finance entity of a  
32 candidate applies regardless of the number of offices sought by the candidate or  
33 campaign finance entities formed to support the candidate.

34           ~~(F)~~ (E)     (1) IN THIS SUBSECTION, "BUSINESS ENTITY" INCLUDES A  
35 CORPORATION, A SOLE PROPRIETORSHIP, A GENERAL PARTNERSHIP, A LIMITED

1 PARTNERSHIP, A LIMITED LIABILITY COMPANY, A REAL ESTATE INVESTMENT  
2 TRUST, ~~AND ANY OTHER BUSINESS OR OTHER ENTITY.~~

3 [(e)] (2) Contributions by [a corporation and any wholly owned subsidiary  
4 of the corporation, or by two or more corporations owned by the same stockholders,]  
5 TWO OR MORE BUSINESS ENTITIES shall be considered as being made by one  
6 contributor IF:

7 (I) ONE BUSINESS ENTITY IS A WHOLLY OWNED SUBSIDIARY  
8 OF ANOTHER; OR

9 (II) THE BUSINESS ENTITIES ARE OWNED OR CONTROLLED  
10 BY AT LEAST 80% OF THE SAME INDIVIDUALS OR BUSINESS ENTITIES.

11 13-227.

12 (a) In this section, a “campaign finance entity” includes a nonfederal  
13 out-of-state political committee.

14 (b) The [limit] LIMITS on transfers set forth in subsection (c) of this section  
15 [does] DO not apply to a transfer:

16 (1) by a campaign finance entity to a ballot issue committee; ~~and~~

17 ~~(2)~~ (2) BY THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE  
18 OF A MEMBER OF A SLATE TO A SLATE OF WHICH THE CANDIDATE IS A MEMBER;

19 (3) BY THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF  
20 THE CANDIDATES THAT A LEGISLATIVE PARTY CAUCUS COMMITTEE SEEKS TO  
21 ELECT TO THE LEGISLATIVE PARTY CAUCUS COMMITTEE; AND

22 (4) between or among:

23 (i) political committees that are State or local central  
24 committees of the same political party;

25 (ii) a slate and the [campaign finance entities of its members]  
26 AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF ITS MEMBERS, IF THE  
27 ONLY MEMBERS OF THE SLATE ARE A CANDIDATE FOR GOVERNOR AND A  
28 CANDIDATE FOR LIEUTENANT GOVERNOR WHO ARE RUNNING ON THE SAME  
29 TICKET; ~~and~~

30 ~~(III) A LEGISLATIVE PARTY CAUCUS COMMITTEE AND THE~~  
31 ~~AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF THE CANDIDATES THE~~  
32 ~~LEGISLATIVE PARTY CAUCUS COMMITTEE SEEKS TO ELECT; AND~~

1 ~~[(iii)] (iv) the campaign finance entities of a candidate.~~

2 **(III) THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE**  
 3 **OF A CANDIDATE.**

4 (c) (1) [During] **SUBJECT TO § 13-226(D) OF THIS SUBTITLE AND**  
 5 ~~PARAGRAPH (2)~~ **PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, DURING** an  
 6 election cycle, a campaign finance entity may not directly or indirectly make transfers  
 7 in a cumulative amount of more than \$6,000 to any one other campaign finance entity.

8 (2) **DURING AN ELECTION CYCLE, A SLATE MAY NOT MAKE**  
 9 **TRANSFERS DIRECTLY OR INDIRECTLY TO ~~ONE OR MORE~~ THE AUTHORIZED**  
 10 **CANDIDATE CAMPAIGN ~~COMMITTEES~~ COMMITTEE OF ANY SINGLE MEMBER OF**  
 11 **THE SLATE IN A CUMULATIVE AMOUNT OF MORE THAN \$24,000.**

12 (3) **DURING AN ELECTION CYCLE, A LEGISLATIVE PARTY CAUCUS**  
 13 **COMMITTEE MAY NOT MAKE TRANSFERS DIRECTLY TO THE AUTHORIZED**  
 14 **CANDIDATE CAMPAIGN COMMITTEE OF A CANDIDATE THAT THE LEGISLATIVE**  
 15 **PARTY CAUCUS COMMITTEE SEEKS TO ELECT IN A CUMULATIVE AMOUNT OF**  
 16 **MORE THAN \$24,000.**

17 (d) (1) All affiliated campaign finance entities are treated as a single  
 18 entity in determining:

19 (i) the amount of transfers made by a campaign finance entity;  
 20 and

21 (ii) the amount of transfers received by a campaign finance  
 22 entity.

23 (2) Campaign finance entities are deemed to be affiliated if they:

24 (i) are organized and operated in coordination and cooperation  
 25 with each other; or

26 (ii) otherwise conduct their operations and make their decisions  
 27 relating to transfers and other contributions under the control of the same individual  
 28 or entity.

29 (e) The limit on transfers to the campaign finance entities of a candidate  
 30 prescribed in subsection (c) of this section applies regardless of the number of offices  
 31 sought by the candidate.

1 A political action committee that makes a transfer to the campaign finance  
2 entity of a candidate or to a slate shall:

3 (1) display its official name, as filed with the State Board under this  
4 subtitle, in a prominent place on the face of the check by which the funds are  
5 transferred; and

6 (2) include in a prominent place on the face of the check:

7 (I) the words “political action committee” or the notation “PAC”,  
8 to indicate that the transferor is a political action committee; OR

9 (II) **IF THE POLITICAL ACTION COMMITTEE IS ORGANIZED**  
10 **UNDER MARYLAND LAW, THE WORDS “MARYLAND REGISTERED POLITICAL**  
11 **ACTION COMMITTEE” OR THE NOTATION “MD REGISTERED PAC” TO INDICATE**  
12 **THAT THE TRANSFEROR IS A MARYLAND POLITICAL ACTION COMMITTEE.**

13 ~~13-234.~~

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

15 (1) ~~check;~~

16 (2) ~~credit card;~~

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

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

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

23 (1) ~~the identity of the person making the contribution may be verified;~~

24 (2) ~~the transaction is secure; and~~

25 (3) ~~there is an adequate record of the transaction.~~

26 ~~13-235.~~

27 (a) ~~This section applies to the following officials:~~

28 (1) ~~the Governor;~~

- 1           ~~(2) the Lieutenant Governor;~~  
2           ~~(3) the Attorney General;~~  
3           ~~(4) the Comptroller; and~~  
4           ~~(5) a member of the General Assembly.~~

5           ~~(b) Except as provided in subsection (c) [or], (d) OR (E) of this section, during~~  
6 ~~a regular session of the General Assembly an official described in subsection (a) of this~~  
7 ~~section, or a person acting on behalf of the official, may not, as to a candidate for~~  
8 ~~federal, State, or local office, or a campaign finance entity of the candidate or any~~  
9 ~~other campaign finance entity organized under this title and operated in coordination~~  
10 ~~with a candidate:~~

- 11           ~~(1) receive a contribution;~~  
12           ~~(2) conduct a fund raising event;~~  
13           ~~(3) solicit or sell a ticket to a fund raising event; or~~  
14           ~~(4) deposit or use any contribution of money that was not deposited~~  
15 ~~prior to the session.~~

16           ~~(e) An official described in subsection (a) of this section, or a person acting on~~  
17 ~~behalf of the official, is not subject to this section when engaged in activities solely~~  
18 ~~related to the official's election to an elective federal or local office for which the official~~  
19 ~~is a filed candidate.~~

20           ~~(d) Under the Public Financing Act, a gubernatorial ticket, during the year of~~  
21 ~~the election only, may accept eligible private contributions and any disbursement of~~  
22 ~~funds by the State Board that is based on the eligible private contributions.~~

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

27           ~~[(e)] (F) (1) As to a violation of this section, the campaign finance entity~~  
28 ~~of the official in violation is liable for a civil penalty as provided in this subsection.~~

29           ~~(2) The State Board, represented by the State Prosecutor, may~~  
30 ~~institute a civil action in the circuit court for any county seeking the civil penalty~~  
31 ~~provided in this subsection.~~



1           ~~(3) A campaign finance entity that receives a contribution as a result~~  
2 ~~of the violation shall:~~

3                   ~~(i) refund the contribution to the contributor; and~~

4                   ~~(ii) pay a civil penalty that equals the sum of \$1,000 plus the~~  
5 ~~amount of the contribution.~~

6 13-240.

7           (a) This section applies to a spin or chance on a paddle wheel or wheel of  
8 fortune **OR A RAFFLE** that is authorized under the laws of this State to operate at a  
9 campaign fund-raising event.

10           (b) [Notwithstanding] **EXCEPT AS PROVIDED IN § 13-304(C) OF THIS**  
11 **TITLE, BUT NOTWITHSTANDING § 13-239** of this subtitle or any other law that  
12 prohibits an anonymous contribution, a political committee may accept ~~money~~  
13 **CONTRIBUTIONS** received from the sale of a spin or chance **OR A RAFFLE TICKET**,  
14 and need not identify the individual ~~purchaser in its account book~~ **CONTRIBUTOR ON**  
15 **ITS CAMPAIGN FINANCE REPORTS**, if:

16                   (1) the account book of the political committee includes:

17                           (i) the net amount received by the political committee **FROM**  
18 **THE RAFFLE, SPIN, OR CHANCE** at the **FUNDRAISING** event at which the sale was  
19 made; and

20                           (ii) the name and address of each ~~individual~~ **PERSON** who  
21 attended the event;

22                   (2) no spin or chance is sold at the event for more than \$2;

23                   (3) the net income of the sponsoring political committee from spins  
24 and chances at the event does not exceed \$1,500 in a 24-hour period; ~~and~~

25                   (4) the total receipts of the sponsoring political committee from spins  
26 and chances in that election do not exceed \$2,500;

27                   **(5) A RAFFLE IS CONDUCTED IN ACCORDANCE WITH § 12-106(B)**  
28 **OF THE CRIMINAL LAW ARTICLE; AND**

29                   **(6) THE POLITICAL COMMITTEE INCLUDES ON ITS CAMPAIGN**  
30 **FINANCE REPORT:**

1                   **(I) A LUMP SUM CONTRIBUTION OF THE NET AMOUNT**  
2 **RECEIVED BY THE POLITICAL COMMITTEE FROM THE RAFFLE, SPIN, OR CHANCE**  
3 **AT THE FUNDRAISING EVENT; AND**

4                   **(II) THE TOTAL NUMBER OF PERSONS PURCHASING A**  
5 **RAFFLE TICKET, SPIN, OR CHANCE AT THE EVENT.**

6           (c) If a political committee raises funds in excess of a limit specified in this  
7 section, the political committee shall:

8                   (1) donate the excess to a charity of its choice; or

9                   (2) identify in its account book the amount received from each  
10 individual who purchased a spin or chance.

11           (d) The State Board shall adopt regulations to implement this section.

12 [13-301.

13           In this subtitle, the provisions that apply to a “campaign finance entity” also  
14 apply to a campaign entity located outside the State with regard to all expenditures  
15 within the State.]

16 **13-301.**

17           **(A) IN THIS SECTION, “OUT-OF-STATE POLITICAL COMMITTEE” MEANS**  
18 **A NONFEDERAL POLITICAL COMMITTEE ORGANIZED UNDER THE LAW OF**  
19 **ANOTHER STATE.**

20           **(B) (1) AN OUT-OF-STATE POLITICAL COMMITTEE SHALL REGISTER**  
21 **WITH THE STATE BOARD ON A FORM THAT THE STATE BOARD PRESCRIBES**  
22 **WITHIN 48 HOURS AFTER DIRECTLY OR INDIRECTLY MAKING TRANSFERS IN A**  
23 **CUMULATIVE AMOUNT OF \$6,000 OR MORE IN AN ELECTION CYCLE TO ONE OR**  
24 **MORE CAMPAIGN FINANCE ENTITIES ORGANIZED UNDER SUBTITLE 2, PART II**  
25 **OF THIS TITLE.**

26           **(2) THE REGISTRATION FORM THE STATE BOARD PRESCRIBES**  
27 **SHALL REQUIRE AN OUT-OF-STATE POLITICAL COMMITTEE TO DESIGNATE THE**  
28 **ELECTION YEAR IN WHICH THE COMMITTEE IS PARTICIPATING.**

29           **(C) AFTER REGISTERING WITH THE STATE BOARD, AN OUT-OF-STATE**  
30 **POLITICAL COMMITTEE SHALL FILE REPORTS WITH THE STATE BOARD FOR THE**  
31 **ELECTION YEAR IN WHICH THE COMMITTEE IS PARTICIPATING ON OR BEFORE**  
32 **EACH DATE THAT A CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS REQUIRED**  
33 **TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.**

1           **(D) THE REPORTS UNDER SUBSECTION (C) OF THIS SECTION SHALL:**

2                   **(1) DISCLOSE ALL EXPENDITURES MADE IN THE STATE BY THE**  
3 **OUT-OF-STATE POLITICAL COMMITTEE:**

4                           **(I) FROM THE BEGINNING OF THE ELECTION CYCLE IN THE**  
5 **CASE OF THE FIRST REPORT FILED BY THE OUT-OF-STATE POLITICAL**  
6 **COMMITTEE; OR**

7                           **(II) DURING THE APPLICABLE REPORTING PERIOD UNDER §**  
8 **13-312 OF THIS SUBTITLE FOR EACH SUBSEQUENT REPORT FILED BY THE**  
9 **OUT-OF-STATE POLITICAL COMMITTEE;**

10                   **(2) DESCRIBE HOW TO ACCESS THE CAMPAIGN FINANCE REPORTS**  
11 **FILED BY THE OUT-OF-STATE POLITICAL COMMITTEE IN THE STATE WHERE**  
12 **THE COMMITTEE IS ~~ORGANIZED~~ REGISTERED AND FILES THE REPORTS; AND**

13                   **(3) BE FILED IN THE MANNER AND SUBJECT TO THE SANCTIONS**  
14 **PROVIDED IN PARTS VI AND VII OF THIS SUBTITLE.**

15 13-304.

16           (a) (1) From the date of its organization until its termination under the  
17 provisions of this title, a campaign finance entity, except a political club, shall file a  
18 campaign finance report at the State Board at the times and for the periods required  
19 by §§ 13-309, 13-312, and 13-316 of this subtitle.

20                   (2) A campaign finance report submitted using an electronic format  
21 shall:

22                           (i) be made under oath or affirmation;

23                           (ii) require an electronic signature from the treasurer at the  
24 time of the filing of the campaign finance report; and

25                           (iii) be made subject to the penalties for perjury.

26           (b) A campaign finance report filed by a campaign finance entity under  
27 subsection (a) of this section shall include:

28                   (1) the information required by the State Board with respect to all  
29 contributions received and all expenditures made by or on behalf of the campaign  
30 finance entity during the designated reporting period; and

1 (2) the information regarding the occupations and employers of  
2 contributors required to be recorded by the treasurer of a campaign finance entity  
3 under § 13-221 of this title.

4 (C) (1) IN THIS SUBSECTION, "ELIGIBLE CONTRIBUTION" MEANS A  
5 CONTRIBUTION OR SERIES OF CONTRIBUTIONS MADE BY THE SAME PERSON  
6 FOR WHICH A RECEIPT IS NOT REQUIRED TO BE ISSUED UNDER § 13-222 OF  
7 THIS TITLE.

8 (2) THE REQUIREMENTS OF THIS SUBSECTION PREVAIL TO THE  
9 EXTENT OF ANY CONFLICT WITH § 13-240(B) OF THIS TITLE.

10 ~~(2)~~ (3) EXCEPT AS PROVIDED IN ~~PARAGRAPH (3)~~ PARAGRAPHS  
11 (4) AND (5) OF THIS SUBSECTION, ~~AN AUTHORIZED CANDIDATE CAMPAIGN A~~  
12 POLITICAL COMMITTEE SHALL REPORT THE FOLLOWING INFORMATION ON ITS  
13 CAMPAIGN FINANCE REPORTS FOR EACH CONTRIBUTION THE COMMITTEE  
14 RECEIVES:

15 (I) THE AMOUNT OF EACH CONTRIBUTION; AND

16 (II) THE NAME AND RESIDENTIAL ADDRESS OF EACH  
17 CONTRIBUTOR, UNLESS A CONTRIBUTOR RECEIVES A CONFIDENTIALITY  
18 WAIVER FROM THE STATE BOARD FOR A RESIDENTIAL ADDRESS, IN WHICH  
19 CASE A SUITABLE ALTERNATIVE ADDRESS APPROVED BY THE STATE BOARD  
20 MAY BE USED.

21 ~~(3)~~ (4) A CAMPAIGN FINANCE ENTITY OF A CANDIDATE MAY  
22 REPORT A MAXIMUM OF A CUMULATIVE AMOUNT OF \$25,000 IN ELIGIBLE  
23 CONTRIBUTIONS IN AN ELECTION CYCLE ON ITS CAMPAIGN FINANCE REPORTS  
24 WITHOUT PROVIDING THE INFORMATION REQUIRED UNDER PARAGRAPH ~~(2)~~ (3)  
25 OF THIS SUBSECTION.

26 (5) A POLITICAL COMMITTEE MAY REPORT ELIGIBLE  
27 CONTRIBUTIONS COLLECTED IN ACCORDANCE WITH § 13-241 OR § 13-242 OF  
28 THIS TITLE ON ITS CAMPAIGN FINANCE REPORTS IN THE MANNER SPECIFIED IN  
29 PARAGRAPH (4) OF THIS SUBSECTION IF THE FOLLOWING IS INCLUDED ON THE  
30 POLITICAL COMMITTEE'S CAMPAIGN FINANCE REPORT:

31 (I) A LUMP SUM CONTRIBUTION OF THE TOTAL AMOUNT  
32 RECEIVED BY THE POLITICAL COMMITTEE IN THE FORM OF ELIGIBLE  
33 CONTRIBUTIONS;

34 (II) THE NUMBER OF INDIVIDUALS MAKING ELIGIBLE  
35 CONTRIBUTIONS; AND

1                                    (III) THE AVERAGE AMOUNT OF THE ELIGIBLE  
2 CONTRIBUTIONS RECEIVED BY THE POLITICAL COMMITTEE.

3            [(c)] (D)    A campaign finance report prescribed by this subtitle for the  
4 campaign finance entity of a candidate is required whether or not:

5                    (1)    the candidate files a certificate of candidacy;

6                    (2)    the candidate withdraws, declines a nomination, or otherwise  
7 ceases to be a candidate;

8                    (3)    the candidate's name appears on the primary ballot; or

9                    (4)    the candidate is successful in the election.

10 13-305.

11            (a)    Instead of filing a report required under § 13-309 of this subtitle, a  
12 treasurer may file an affidavit stating that the campaign finance entity has not raised  
13 or spent a cumulative amount of \$1,000 or more, exclusive of the filing fee, and  
14 regardless of the balance of the campaign account, since:

15                    (1)    establishing the campaign finance entity; or

16                    (2)    filing the campaign finance entity's last campaign finance report.

17            (b)    The affidavit shall be filed on or before the date a campaign finance  
18 report is due to be filed under § 13-309 of this subtitle.

19            [(c)] (1)    This subsection only applies to a campaign finance entity of a  
20 candidate for election to the central committee of a political party that is authorized  
21 under subsection (a) of this section to file an affidavit instead of filing a campaign  
22 finance report on a date specified in § 13-309(a) of this subtitle.

23                    (2)    Subject to paragraph (3) of this subsection, a campaign finance  
24 entity subject to this subsection is not required to file an affidavit under this section or  
25 a campaign finance report on a date specified in § 13-309(a) of this subtitle.

26                    (3)    A campaign finance entity subject to this subsection shall file an  
27 affidavit under subsection (a) of this section or a campaign finance report on the date  
28 specified in § 13-309(c) of this subtitle.]

29 13-306.

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

1           (2)    (I)    “Donation” means the gift or transfer, or promise of gift or  
2 transfer, of money or other thing of value to a person [that is made for the purpose of  
3 furthering] **WHO MAKES** independent expenditures.

4                           (II)    “DONATION” DOES NOT INCLUDE ANY AMOUNT OF  
5 MONEY OR ANY OTHER THING OF VALUE:

6                                   1.    RECEIVED BY A PERSON IN THE ORDINARY  
7 COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON, WHETHER  
8 FOR PROFIT OR NOT FOR PROFIT, OR IN THE FORM OF INVESTMENTS IN THE  
9 PERSON’S BUSINESS; OR

10   2.    A.    THAT THE DONOR AND THE PERSON  
11 RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING  
12 MAY NOT BE USED FOR INDEPENDENT EXPENDITURES; AND

13   B.    IN THE CASE OF A MONETARY DONATION, IS  
14 DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR  
15 INDEPENDENT EXPENDITURES.

16                           (3)    “E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC  
17 MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO  
18 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

19                           [(3)] (4)    “Mass mailing” means a mailing by United States mail or  
20 facsimile of more than 500 pieces of mail matter of an identical or substantially  
21 similar nature within any 30-day period.

22                           [(4)] (5)    (i)    “Person” includes an individual, a partnership, a  
23 committee, an association, a corporation, a labor organization, or any other  
24 organization or group of persons.

25   (ii)    “Person” does not include a campaign finance entity  
26 organized under Subtitle 2, Part II of this title.

27   [(5)] (6)    (i)    “Public communication” means a communication by  
28 means of any broadcast **TELEVISION OR RADIO COMMUNICATION**, cable  
29 **TELEVISION COMMUNICATION**, [or] satellite **TELEVISION OR RADIO**  
30 communication, newspaper, magazine, outdoor advertising facility, mass mailing,  
31 **E-MAIL BLAST, TEXT BLAST**, or telephone bank to the general public, or any other  
32 form of general public political advertising.

33   (ii)    “Public communication” does not include:

1                   1.     a news story, a commentary, or an editorial  
 2 disseminated by a broadcasting station, including a cable television operator,  
 3 programmer, or producer, satellite television or radio provider, Web site, newspaper,  
 4 magazine, or other periodical publication, including any Internet or electronic  
 5 publication, that is not controlled by a candidate or political party; ~~or~~

6                   ~~2.     AN INTERNAL COMMUNICATION DISSEMINATED~~  
 7 ~~BY A MEMBERSHIP ORGANIZATION, BUSINESS ENTITY, OR OTHER ENTITY TO ITS~~  
 8 ~~MEMBERS, EMPLOYEES, OR OTHER PERSONS AFFILIATED WITH THE~~  
 9 ~~ORGANIZATION OR ENTITY; OR~~

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

16                   ~~2.~~ 3.     a candidate debate or forum.

17                   [(6)] (7)     “Telephone bank” means more than 500 telephone calls of an  
 18 identical or substantially similar nature within any 30-day period.

19                   (8)     “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES  
 20 OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE  
 21 TELEPHONE NUMBERS SIMULTANEOUSLY.

22                   (B)     WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE  
 23 INDEPENDENT EXPENDITURES OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR  
 24 CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, THE PERSON SHALL  
 25 FILE A REGISTRATION FORM WITH THE STATE BOARD.

26                   [(b)] (C)     [After] WITHIN 48 HOURS AFTER A DAY ON WHICH a person  
 27 makes aggregate independent expenditures of \$10,000 or more in an election cycle for  
 28 campaign material that is a public communication, the person shall file an  
 29 independent expenditure report [as required in this section] WITH THE STATE  
 30 BOARD.

31                   [(c)] (1)     If the campaign material relates to a candidate, the person shall  
 32 file an independent expenditure report with the State Board on the next date a  
 33 campaign finance entity of a candidate is required to file a campaign finance report  
 34 under § 13-309 of this subtitle.

35                   (2)     If the campaign material relates to a ballot issue, the person shall  
 36 file an independent expenditure report with the State Board on the next date a ballot

1 issue committee is required to file a campaign finance report under § 13–309 of this  
2 subtitle.

3 (3) An independent expenditure report filed under this subsection  
4 shall include the information required by subsection (e) of this section for the period  
5 from the beginning of the election cycle through the last day of the reporting period  
6 under § 13–312 of this subtitle that precedes the report filing date.]

7 (d) [(1)] A person who files an independent expenditure report under  
8 subsection (c) of this section shall file an additional independent expenditure report  
9 [following a date on which] **WITH THE STATE BOARD WITHIN 48 HOURS AFTER A**  
10 **DAY ON WHICH** the person makes aggregate independent expenditures of \$10,000 or  
11 more for campaign material that is a public communication following the closing date  
12 of the person’s previous independent expenditure report.

13 [(2) An independent expenditure report under this subsection shall:

14 (i) be filed with the State Board on the date specified in  
15 subsection (c)(1) and (2) of this section; and

16 (ii) include the information required by subsection (e) of this  
17 section for the period from the closing date of the previous independent expenditure  
18 report through the last day of the reporting period under § 13–312 of this subtitle that  
19 precedes the report filing date.]

20 (e) An independent expenditure report shall include the following  
21 information:

22 (1) the identity of the person making the independent expenditures  
23 and of any person exercising direction or control over the activities of the person  
24 making the independent expenditures;

25 (2) the business address of the person making the independent  
26 expenditures;

27 (3) the amount and date of each independent expenditure during the  
28 period covered by the report and the person to whom the expenditure was made;

29 (4) the candidate or ballot issue to which the independent expenditure  
30 relates and whether the independent expenditure supports or opposes that candidate  
31 or ballot issue; and

32 (5) the identity of each person who made cumulative donations [in  
33 excess] of [~~\$51~~] ~~\$10,000~~ **\$6,000 OR MORE** to the person making the independent  
34 expenditures during the period covered by the report.



1 (f) For purposes of this section, a person shall be considered to have made an  
 2 independent expenditure if the person has executed a contract to make an  
 3 independent expenditure.

4 (g) The cost of creating and disseminating campaign material, including any  
 5 design and production costs, shall be considered in determining the aggregate amount  
 6 of independent expenditures made by a person for campaign material that is a public  
 7 communication under this section.

8 (h) The treasurer or other individual designated by an entity required to file  
 9 an independent expenditure report under this section:

10 (1) shall sign each independent expenditure report; and

11 (2) is responsible for filing independent expenditure reports in full and  
 12 accurate detail.

13 (i) (1) [An individual is subject to the sanctions that apply to the  
 14 responsible officers of a campaign finance entity under Part VII of this subtitle for  
 15 failure to file properly an independent expenditure report.

16 (2) The failure] **A PERSON WHO FAILS** to provide on an independent  
 17 expenditure report all of the information required by this section [is deemed a failure  
 18 to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as  
 19 provided in § 13-327(b) of this subtitle.

20 **(2) (I) ~~IN~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
 21 **THIS PARAGRAPH, IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,**  
 22 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**  
 23 **PROPERLY AN INDEPENDENT EXPENDITURE REPORT OR AN AMENDED**  
 24 **INDEPENDENT EXPENDITURE REPORT IN AN AMOUNT NOT EXCEEDING THE**  
 25 **GREATER OF:**

26 **~~(H)~~ 1. \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**  
 27 **INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT**  
 28 **EXPENDITURE REPORT IS OVERDUE; OR**

29 **~~(H)~~ 2. 10% OF THE AMOUNT OF THE DONATIONS OR**  
 30 **INDEPENDENT EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY**  
 31 **MANNER.**

32 **(II) IF THE FAILURE TO FILE PROPERLY AN INDEPENDENT**  
 33 **EXPENDITURE REPORT OR AN AMENDED INDEPENDENT EXPENDITURE REPORT**  
 34 **OCCURS MORE THAN 28 DAYS BEFORE THE DAY OF A PRIMARY OR GENERAL**

1 **ELECTION, THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN AMOUNT NOT**  
2 **EXCEEDING THE GREATER OF:**

3 **1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN**  
4 **INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT**  
5 **EXPENDITURE REPORT IS OVERDUE; OR**

6 **2. 10% OF THE AMOUNT OF THE DONATIONS OR**  
7 **DISBURSEMENTS FOR INDEPENDENT EXPENDITURES THAT WERE NOT**  
8 **REPORTED IN A TIMELY MANNER.**

9 **(3) A CIVIL PENALTY UNDER PARAGRAPH (2) OF THIS**  
10 **SUBSECTION SHALL BE:**

11 **(I) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF**  
12 **THIS TITLE; AND**

13 **(II) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

14 **(4) A PERSON WHO FAILS TO FILE PROPERLY AN INDEPENDENT**  
15 **EXPENDITURE REPORT OR AMENDED INDEPENDENT EXPENDITURE REPORT**  
16 **UNDER THIS SECTION MAY SEEK RELIEF FROM A PENALTY UNDER PARAGRAPH**  
17 **(2) OF THIS SUBSECTION FOR JUST CAUSE AS PROVIDED IN § 13-337 OF THIS**  
18 **SUBTITLE.**

19 **(j) (1) An entity required to file an independent expenditure report under**  
20 **this section shall do at least one of the following, unless neither are applicable to the**  
21 **entity:**

22 **(i) if the entity submits regular, periodic reports to its**  
23 **shareholders, members, or donors, include in each report, in a clear and conspicuous**  
24 **manner, the information specified in subsection (e)(3) through (5) of this section for**  
25 **each independent expenditure made during the period covered by the report that must**  
26 **be included in an independent expenditure report; or**

27 **(ii) if the entity maintains an Internet site, post on that Internet**  
28 **site a hyperlink from its homepage to the Internet site where the entity's independent**  
29 **expenditure report information is publicly available.**

30 **(2) An entity shall post the hyperlink required under paragraph (1)(ii)**  
31 **of this subsection within 24 hours of the entity's independent expenditure report**  
32 **information being made publicly available on the Internet, and the hyperlink shall**  
33 **remain posted on the entity's Internet site until the end of the election cycle during**  
34 **which the entity filed an independent expenditure report.**

1 (k) (1) A person required to file an independent expenditure report under  
2 this section shall keep detailed and accurate records of:

3 (i) all independent expenditures made by the person for  
4 campaign material that is a public communication; and

5 (ii) all donations received by the person [that are for the  
6 purpose of furthering independent expenditures for campaign material that is a public  
7 communication].

8 (2) Records required to be kept under this subsection shall be  
9 preserved for 2 years after the end of the election cycle in which the person filed the  
10 independent expenditure report to which the records relate.

11 (l) The State Board may adopt regulations as necessary to implement the  
12 requirements of this section.

13 13-307.

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

15 (2) (I) "Donation" means the gift or transfer, or promise of gift or  
16 transfer, of money or other thing of value to a person that [is made for the purpose of  
17 furthering] **MAKES DISBURSEMENTS FOR** electioneering communications.

18 (II) **"DONATION" DOES NOT INCLUDE ANY AMOUNT OF**  
19 **MONEY OR ANY OTHER THING OF VALUE:**

20 1. **RECEIVED BY A PERSON IN THE ORDINARY**  
21 **COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON, WHETHER**  
22 **FOR PROFIT OR NOT FOR PROFIT, OR IN THE FORM OF INVESTMENTS IN THE**  
23 **PERSON'S BUSINESS; OR**

24 2. **A. THAT THE DONOR AND THE PERSON**  
25 **RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING**  
26 **MAY NOT BE USED FOR ELECTIONEERING COMMUNICATIONS; AND**

27 **B. IN THE CASE OF A MONETARY DONATION, IS**  
28 **DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR**  
29 **ELECTIONEERING COMMUNICATIONS.**

30 (3) (i) "Electioneering communication" means a broadcast  
31 **TELEVISION OR RADIO COMMUNICATION, A cable TELEVISION COMMUNICATION,**  
32 **[or] A satellite TELEVISION OR RADIO communication, A MASS MAILING, AN**

1 E-MAIL BLAST, A TEXT BLAST, A TELEPHONE BANK, OR AN ADVERTISEMENT IN A  
2 PRINT PUBLICATION that:

- 3 1. refers to a clearly identified candidate or ballot issue;
- 4 2. is made within 60 days of an election day on which  
5 the candidate or ballot issue is on the ballot;
- 6 3. is capable of being received by:

7 A. 50,000 or more individuals in the constituency where  
8 the candidate or ballot issue is on the ballot, **IF THE COMMUNICATION IS**  
9 **TRANSMITTED BY TELEVISION OR RADIO; OR**

10 B. **5,000 OR MORE INDIVIDUALS IN THE**  
11 **CONSTITUENCY WHERE THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT,**  
12 **IF THE COMMUNICATION IS A MASS MAILING, AN E-MAIL BLAST, A TEXT BLAST, A**  
13 **TELEPHONE BANK, OR AN ADVERTISEMENT IN A PRINT PUBLICATION; and**

14 4. is not made in coordination with, or at the request or  
15 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a  
16 candidate, or a ballot issue committee.

17 (ii) "Electioneering communication" does not include:

- 18 1. an independent expenditure;
- 19 2. a news story, a commentary, or an editorial  
20 disseminated by a broadcasting station, including a cable television operator,  
21 programmer, or producer, or satellite television or radio provider that is not controlled  
22 by a candidate or political party;

23 3. a candidate debate or forum; ~~or~~

24 ~~4. AN INTERNAL COMMUNICATION DISSEMINATED~~  
25 ~~BY A MEMBERSHIP ORGANIZATION, BUSINESS ENTITY, OR OTHER ENTITY TO ITS~~  
26 ~~MEMBERS, EMPLOYEES, OR OTHER PERSONS AFFILIATED WITH THE~~  
27 ~~ORGANIZATION OR ENTITY; OR~~

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

1                   ~~4~~ 5. a communication that proposes a commercial  
2 transaction.

3                   (iii) For purposes of this paragraph, “clearly identified” means:

4                   1. the name of a candidate appears;

5                   2. a photograph or drawing of a candidate appears; or

6                   3. the identity of a candidate or ballot issue is apparent  
7 by unambiguous reference.

8                   **(4) “E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**  
9 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**  
10 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

11                   **(5) “MASS MAILING” MEANS A MAILING BY UNITED STATES MAIL**  
12 **OR FACSIMILE OF MORE THAN 5,000 PIECES OF MAIL MATTER OF AN IDENTICAL**  
13 **OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY 30-DAY PERIOD.**

14                   **[(4)] (6)** (i) “Person” includes an individual, a partnership, a  
15 committee, an association, a corporation, a labor organization, or any other  
16 organization or group of persons.

17                   (ii) “Person” does not include a campaign finance entity  
18 organized under Subtitle 2, Part II of this title.

19                   **(7) “TELEPHONE BANK” MEANS MORE THAN 5,000 TELEPHONE**  
20 **CALLS OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY**  
21 **30-DAY PERIOD.**

22                   **(8) “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES**  
23 **OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE**  
24 **TELEPHONE NUMBERS SIMULTANEOUSLY.**

25                   **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**  
26 **DISBURSEMENTS OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**  
27 **ELECTIONEERING COMMUNICATIONS, THE PERSON SHALL FILE A**  
28 **REGISTRATION FORM WITH THE STATE BOARD.**

29                   **[(b)] (C)** **[After]** **WITHIN 48 HOURS AFTER A DAY ON WHICH** a person  
30 makes aggregate disbursements of \$10,000 or more in an election cycle for  
31 electioneering communications, the person shall file an electioneering communication  
32 report **[as required in this section]** **WITH THE STATE BOARD.**

1           [(c) (1) If the electioneering communications relate to a candidate, the  
2 person shall file an electioneering communication report with the State Board on the  
3 next date a campaign finance entity of a candidate is required to file a campaign  
4 finance report under § 13–309 of this subtitle.

5           (2) If the electioneering communications relate to a ballot issue, the  
6 person shall file an electioneering communication report with the State Board on the  
7 next date a ballot issue committee is required to file a campaign finance report under §  
8 13–309 of this subtitle.

9           (3) An electioneering communication report filed under this subsection  
10 shall include the information required by subsection (e) of this section for the period  
11 from the beginning of the election cycle through the last day of the reporting period  
12 under § 13–312 of this subtitle that precedes the report filing date.]

13           (d) [(1)] A person who files an electioneering communication report under  
14 subsection (c) of this section shall file an additional electioneering communication  
15 report [following a date on which] **WITH THE STATE BOARD WITHIN 48 HOURS**  
16 **AFTER A DAY ON WHICH** the person makes aggregate disbursements of \$10,000 or  
17 more for electioneering communications following the closing date of the person's  
18 previous electioneering communication report.

19           [(2) An electioneering communication report under this subsection  
20 shall:

21                   (i) be filed with the State Board on the date specified in  
22 subsection (c)(1) and (2) of this section; and

23                   (ii) include the information required by subsection (e) of this  
24 section for the period from the closing date of the previous electioneering  
25 communication report through the last day of the reporting period under § 13–312 of  
26 this subtitle that precedes the report filing date.]

27           (e) An electioneering communication report shall include the following  
28 information:

29                   (1) the identity of the person making disbursements for electioneering  
30 communications and of any person exercising direction or control over the activities of  
31 the person making the disbursements for electioneering communications;

32                   (2) the business address of the person making the disbursements for  
33 electioneering communications;

1 (3) the amount and date of each disbursement for electioneering  
2 communications during the period covered by the report and the person to whom the  
3 disbursement was made;

4 (4) the candidate or ballot issue to which the electioneering  
5 communications relate;

6 (5) the identity of each person who made cumulative donations [in  
7 excess] of [§51] ~~\$10,000~~ **\$6,000** OR MORE to the person making the disbursements  
8 for electioneering communications during the period covered by the report.

9 (f) (1) For purposes of this section, a person shall be considered to have  
10 made a disbursement for an electioneering communication if the person has executed  
11 a contract to make a disbursement for an electioneering communication.

12 (2) A person who makes a contribution to a campaign finance entity  
13 may not be considered to have made a disbursement for electioneering  
14 communications under this section because of the contribution.

15 (g) The cost of creating and disseminating electioneering communications,  
16 including any design and production costs, shall be considered in determining the  
17 aggregate amount of disbursements for electioneering communications made by a  
18 person under this section.

19 (h) The treasurer or other individual designated by an entity required to file  
20 an electioneering communication report under this section:

21 (1) shall sign each electioneering communication report; and

22 (2) is responsible for filing electioneering communication reports in  
23 full and accurate detail.

24 (i) (1) [An individual is subject to the sanctions that apply to the  
25 responsible officers of a campaign finance entity under Part VII of this subtitle for  
26 failure to file properly an electioneering communication report.

27 (2) The failure] **A PERSON WHO FAILS** to provide on an electioneering  
28 communication report all of the information required by this section [is deemed a  
29 failure to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as  
30 provided in § 13-327(b) of this subtitle.

31 **(2) (1) ~~IN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF~~**  
32 **THIS PARAGRAPH, IN** ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,  
33 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**  
34 **PROPERLY AN ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**

1 ELECTIONEERING COMMUNICATION REPORT IN AN AMOUNT NOT EXCEEDING  
2 THE GREATER OF:

3 ~~(H)~~ 1. \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN  
4 ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING  
5 COMMUNICATION REPORT IS OVERDUE; OR

6 ~~(H)~~ 2. 10% OF THE AMOUNT OF THE DONATIONS OR  
7 DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT  
8 REPORTED IN A TIMELY MANNER.

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

14 1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN  
15 ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING  
16 COMMUNICATION REPORT IS OVERDUE; OR

17 2. 10% OF THE AMOUNT OF THE DONATIONS OR  
18 DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT  
19 REPORTED IN A TIMELY MANNER.

20 (3) A PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION  
21 SHALL BE:

22 (I) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF  
23 THIS TITLE; AND

24 (II) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.

25 (4) A PERSON WHO FAILS TO FILE PROPERLY AN  
26 ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING  
27 COMMUNICATION REPORT UNDER THIS SECTION MAY SEEK RELIEF FROM A  
28 PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR JUST CAUSE AS  
29 PROVIDED IN § 13-337 OF THIS SUBTITLE.

30 (j) (1) An entity required to file an electioneering communication report  
31 under this section shall do at least one of the following, unless neither are applicable  
32 to the entity:



1 (i) if the entity submits regular, periodic reports to its  
 2 shareholders, members, or donors, include in each report in a clear and conspicuous  
 3 manner, the information specified in subsection (e)(3) through (5) of this section for  
 4 each disbursement for electioneering communications made during the period covered  
 5 by the report that must be included in an electioneering communication report; or

6 (ii) if the entity maintains an Internet site, post on that Internet  
 7 site a hyperlink from its homepage to the Internet site where the entity's  
 8 electioneering communication report information is publicly available.

9 (2) (i) An entity shall post the hyperlink required under paragraph  
 10 (1)(ii) of this subsection within 24 hours of the entity's electioneering communication  
 11 report information being made publicly available on the Internet.

12 (ii) The hyperlink shall remain posted on the entity's Internet  
 13 site until the end of the election cycle during which the entity filed an electioneering  
 14 communication report.

15 (k) (1) A person required to file an electioneering communication report  
 16 under this section shall keep detailed and accurate records of:

17 (i) all disbursements for electioneering communications made  
 18 by the person; and

19 (ii) all donations received by the person [that are for the  
 20 purpose of furthering electioneering communications].

21 (2) Records required to be kept under this subsection shall be  
 22 preserved until 2 years after the end of the election cycle in which the person filed the  
 23 electioneering communication report to which the records relate.

24 (l) The State Board may adopt regulations as necessary to implement the  
 25 requirements of this section.

26 ~~13-309.~~

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

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

32 ~~(2) except for a ballot issue committee, on or before the second Friday~~  
 33 ~~immediately preceding a primary election;~~

1           ~~(3) ON OR BEFORE THE LAST TUESDAY IN AUGUST IMMEDIATELY~~  
2 ~~PRECEDING A GENERAL ELECTION;~~

3           ~~[(3)] (4) for a ballot issue committee only, on or before the fourth~~  
4 ~~Friday immediately preceding a general election;~~

5           ~~[(4)] (5) on or before the second Friday immediately preceding a~~  
6 ~~general election; and~~

7           ~~[(5)] (6) on or before the third Tuesday after a general election.~~

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

11           ~~(2) In addition to the campaign finance reports required under~~  
12 ~~subsection (a) of this section, but subject to paragraph (4) of this subsection, a~~  
13 ~~campaign finance entity shall file A campaign finance [reports] REPORT on the third~~  
14 ~~Wednesday in January.~~

15           ~~(3) (i) If subsequent to the filing of its declaration under §~~  
16 ~~13-208(e)(3) of this title, a campaign finance entity participates in an election in which~~  
17 ~~it was not designated to participate, the campaign finance entity shall file all~~  
18 ~~campaign FINANCE reports prescribed under subsection (a) of this section for that~~  
19 ~~election.~~

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

24           ~~(4) If a campaign finance entity has neither a cash balance nor an~~  
25 ~~outstanding obligation at the end of a reporting period, a campaign finance report for~~  
26 ~~that period, clearly marked as “final”, shall be filed on or before the due date, and no~~  
27 ~~further report is required.~~

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

31           ~~(D) AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OF A~~  
32 ~~CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL~~  
33 ~~PARTY;~~

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

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

4 13-309.1.

5 (A) IN THIS SECTION, "ELECTIONEERING COMMUNICATION" HAS THE  
6 MEANING STATED IN § 13-307(A) OF THIS SUBTITLE.

7 (B) THIS SECTION APPLIES TO A POLITICAL ACTION COMMITTEE ~~IF THE~~  
8 ~~EXPENDITURES OF THE POLITICAL COMMITTEE ARE EXCLUSIVELY~~ THAT  
9 EXCLUSIVELY MAKES:

10 (1) INDEPENDENT EXPENDITURES; OR

11 (2) DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

12 (C) FOR PURPOSES OF THIS SECTION, A POLITICAL ACTION COMMITTEE  
13 SHALL BE CONSIDERED TO HAVE MADE AN EXPENDITURE IF THE POLITICAL  
14 COMMITTEE HAS EXECUTED A CONTRACT TO MAKE AN EXPENDITURE.

15 (D) (1) ~~THE~~ CAMPAIGN FINANCE DISCLOSURE REPORTS REQUIRED  
16 UNDER THIS SECTION ARE IN ADDITION TO THE CAMPAIGN FINANCE REPORTS  
17 REQUIRED UNDER § 13-309 OF THIS SUBTITLE.

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

21 ~~(E) WITHIN 48 HOURS AFTER A DAY ON WHICH A POLITICAL~~  
22 ~~COMMITTEE SUBJECT TO THIS SECTION MAKES AGGREGATE EXPENDITURES OF~~  
23 ~~\$10,000 OR MORE IN AN ELECTION CYCLE, THE POLITICAL COMMITTEE SHALL~~  
24 ~~FILE A CAMPAIGN FINANCE REPORT.~~

25 ~~(F) A POLITICAL COMMITTEE THAT FILES A CAMPAIGN FINANCE~~  
26 ~~REPORT UNDER SUBSECTION (E) OF THIS SECTION SHALL FILE AN ADDITIONAL~~  
27 ~~CAMPAIGN FINANCE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE~~  
28 ~~POLITICAL COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR~~  
29 ~~MORE FOLLOWING THE CLOSING DATE OF THE POLITICAL COMMITTEE'S~~  
30 ~~PREVIOUS CAMPAIGN FINANCE REPORT.~~

31 (E) A POLITICAL ACTION COMMITTEE SHALL FILE A DISCLOSURE  
32 REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE POLITICAL ACTION

1 COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR MORE ON  
2 CAMPAIGN MATERIAL DURING THE REPORTING PERIOD COVERED BY ITS NEXT  
3 CAMPAIGN FINANCE REPORT.

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

9 (G) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, THE  
10 STATE BOARD MAY ASSESS A PENALTY FOR FAILURE TO FILE PROPERLY A  
11 ~~CAMPAIGN FINANCE~~ DISCLOSURE REPORT OR AN AMENDED ~~CAMPAIGN FINANCE~~  
12 DISCLOSURE REPORT REQUIRED UNDER THIS SECTION IN AN AMOUNT NOT  
13 EXCEEDING THE GREATER OF:

14 (1) \$1,000 FOR EACH DAY OR PART OF A DAY THAT A ~~CAMPAIGN~~  
15 ~~FINANCE~~ DISCLOSURE REPORT OR AN AMENDED CAMPAIGN FINANCE REPORT IS  
16 OVERDUE; OR

17 (2) 10% OF THE AMOUNT OF THE CONTRIBUTIONS OR  
18 EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY MANNER.

19 (H) A PERSON WHO FAILS TO FILE PROPERLY A ~~CAMPAIGN FINANCE~~  
20 DISCLOSURE REPORT OR AN AMENDED ~~CAMPAIGN FINANCE~~ DISCLOSURE  
21 REPORT UNDER THIS SECTION MAY SEEK RELIEF FROM A PENALTY UNDER  
22 SUBSECTION (G) OF THIS SECTION FOR JUST CAUSE AS PROVIDED IN § 13-337  
23 OF THIS SUBTITLE.

24 (I) A PENALTY UNDER SUBSECTION (G) OF THIS SECTION SHALL BE:

25 (1) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS  
26 TITLE; AND

27 (2) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.

28 13-309.2.

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

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

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

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

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

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

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

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

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

31 13-327.

32           (a) A campaign finance entity that fails to file a campaign finance report  
33 [or], AN affidavit, OR AN AMENDED CAMPAIGN FINANCE REPORT required by this  
34 subtitle is subject to the sanctions provided in Part VII of this subtitle.

1 (b) [The failure] **IF A CAMPAIGN FINANCE ENTITY FAILS** to provide on a  
2 campaign finance report required by § 13–304 of this subtitle all of the information  
3 required of the campaign finance entity by the State Board under this subtitle [is  
4 deemed a failure to file and renders the campaign finance report overdue, only if]:

5 (1) the State Board [notifies] **SHALL NOTIFY** the responsible officers  
6 in writing of the particular deficiencies; and

7 (2) the responsible officers [fail to] **SHALL file [a properly corrected]**  
8 **AN AMENDED** campaign finance report **THAT INCLUDES ALL OF THE INFORMATION**  
9 **REQUIRED** within 30 days after service of the notice.

10 13–331.

11 (a) In accordance with subsection (b) of this section, the State Board shall  
12 assess a late filing fee for a failure to file a campaign finance report [or], **AN affidavit,**  
13 **OR AN AMENDED CAMPAIGN FINANCE REPORT**, as specified in § 13–327 of this  
14 subtitle.

15 (b) (1) The fee is \$10 for each day or part of a day[, excluding Saturdays,  
16 Sundays, and holidays,] that a campaign finance report [or], **AN affidavit, OR AN**  
17 **AMENDED CAMPAIGN FINANCE REPORT** is overdue.

18 (2) An additional fee of \$10 is due for each of the first 6 days[,  
19 excluding Saturdays, Sundays, and holidays,] that a preelection campaign finance  
20 report under § 13–309 of this subtitle is overdue.

21 (3) The maximum fee payable for a campaign finance report [or], **AN**  
22 **affidavit, OR AN AMENDED CAMPAIGN FINANCE REPORT** is [**\$250**] **\$500**.

23 (c) (1) The State Board shall accept an overdue campaign finance report  
24 [or], affidavit, **OR AMENDED CAMPAIGN FINANCE REPORT** that is submitted  
25 without payment of the late filing fee, but the campaign finance report, **AFFIDAVIT,**  
26 **OR AMENDED CAMPAIGN FINANCE REPORT** is not considered filed until the fee has  
27 been paid.

28 (2) After an overdue campaign finance report [or], affidavit, **OR**  
29 **AMENDED CAMPAIGN FINANCE REPORT** is received under paragraph (1) of this  
30 subsection no further late filing fee shall be incurred.

31 (d) (1) **[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** late  
32 filing fee [is the joint and several liability of the responsible officers and:

33 (1) may not] **SHALL** be paid[, directly or indirectly,] by the campaign  
34 finance entity]; and

1 (2) is neither a contribution to nor an expenditure of the entity].

2 (2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS  
3 WITH WHICH TO PAY A LATE FILING FEE IN A TIMELY MANNER, THE LATE FILING  
4 FEE IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE OFFICERS.

5 13-340.

6 Fees [relating to] FOR LATE FILING OF campaign finance reports,  
7 AFFIDAVITS, OR AMENDED CAMPAIGN FINANCE REPORTS IMPOSED UNDER §  
8 13-331 OF THIS SUBTITLE shall be paid to the State Board and be applied to pay the  
9 expenses of collection and of any audits of campaign finance reports performed by or at  
10 the direction of the State Administrator.

11 13-505.

12 (A) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE  
13 GOVERNING BODY OF A COUNTY MAY ESTABLISH, BY LAW, A SYSTEM OF PUBLIC  
14 CAMPAIGN FINANCING FOR ELECTIVE OFFICES IN THE EXECUTIVE OR  
15 LEGISLATIVE BRANCHES OF COUNTY GOVERNMENT.

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

21 (B) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER  
22 SUBSECTION (A) OF THIS SECTION:

23 (1) SHALL PROVIDE FOR PARTICIPATION OF CANDIDATES IN  
24 PUBLIC CAMPAIGN FINANCING ON A STRICTLY VOLUNTARY BASIS;

25 (2) MAY NOT REGULATE CANDIDATES WHO CHOOSE NOT TO  
26 PARTICIPATE IN PUBLIC CAMPAIGN FINANCING;

27 (3) SHALL PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING  
28 FOR ANY CAMPAIGN EXCEPT A CAMPAIGN FOR COUNTY ELECTIVE OFFICE;

29 (4) SHALL REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC  
30 CAMPAIGN FINANCING TO:

1 (I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR  
2 THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND

3 (II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY  
4 ONLY FOR THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE;

5 (5) SHALL PROHIBIT A CANDIDATE WHO ACCEPTS PUBLIC  
6 CAMPAIGN FINANCING FROM TRANSFERRING FUNDS:

7 (I) TO THE CAMPAIGN FINANCE ENTITY ESTABLISHED TO  
8 FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE FROM ANY OTHER  
9 CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; AND

10 (II) FROM THE CAMPAIGN FINANCE ENTITY ESTABLISHED  
11 TO FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE TO ANY OTHER  
12 CAMPAIGN FINANCE ENTITY;

13 (6) SHALL PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY  
14 ELECTIVE OFFICES THAT IS ADMINISTERED BY THE CHIEF FINANCIAL OFFICER  
15 OF THE COUNTY; AND

16 (7) SHALL BE SUBJECT TO REGULATION AND OVERSIGHT BY THE  
17 STATE BOARD TO ENSURE CONFORMITY WITH STATE LAW AND POLICY TO THE  
18 EXTENT PRACTICABLE.

19 (C) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER  
20 SUBSECTION (A) OF THIS SECTION MAY:

21 (1) PROVIDE FOR MORE STRINGENT REGULATION OF CAMPAIGN  
22 FINANCE ACTIVITY BY CANDIDATES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN  
23 FINANCING, INCLUDING CONTRIBUTIONS, EXPENDITURES, REPORTING, AND  
24 CAMPAIGN MATERIAL, THAN IS PROVIDED FOR BY STATE LAW; AND

25 (2) PROVIDE FOR ADMINISTRATIVE PENALTIES FOR VIOLATIONS,  
26 IN ACCORDANCE WITH ARTICLE 25A, § 5 OF THE CODE.

27 ~~13-604.1.~~

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

30 ~~(1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN~~  
31 ~~§ 13-218(B)(2), (C), AND (D) OF THIS TITLE;~~



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

3           ~~(3) MAKING A DISBURSEMENT BY A METHOD NOT AUTHORIZED IN~~  
4 ~~§ 13-220(D) OF THIS TITLE;~~

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

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

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

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

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

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

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

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

24           ~~(2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS~~  
25 ~~WITH WHICH TO PAY THE CIVIL PENALTY IN A TIMELY MANNER, THE CIVIL~~  
26 ~~PENALTY IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE~~  
27 ~~OFFICERS.~~

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

1       ~~(F) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE~~  
2 ~~STATE BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION~~  
3 ~~SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

4       ~~(G) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN~~  
5 ~~ACCORDANCE WITH THE MARYLAND RULES.~~

6       ~~(H) THE CITATION SHALL CONTAIN:~~

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

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

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

11          ~~(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;~~

12          ~~(5) THE AMOUNT OF THE PENALTY ASSESSED;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

19                   ~~(M) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE~~  
20 ~~COMMITTED A VIOLATION;~~

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

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

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

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

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

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

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

6           ~~(O) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:~~

7           ~~(1) IS NOT A CRIMINAL CONVICTION; AND~~

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

10          ~~(P) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION~~  
11 ~~UNDER THIS SECTION:~~

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

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

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

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

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

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

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

1 ~~(Q) THE STATE BOARD SHALL CONSIDER THE FOLLOWING IN~~  
 2 ~~DETERMINING THE AMOUNT OF A PENALTY UNDER THIS SECTION;~~

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

5 ~~(2) THE GOOD FAITH OF THE VIOLATOR; AND~~

6 ~~(3) ANY HISTORY OF PRIOR VIOLATIONS.~~

7 ~~(R) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE~~  
 8 ~~DISTRIBUTED TO THE GENERAL FUND OF THE STATE.~~

9 14-101.

10 (a) In this title the following words have the meanings indicated.

11 (b) “Applicable contribution” means a contribution **BY A PERSON OR**  
 12 **ATTRIBUTED TO A PERSON** to a candidate[, or a series of such contributions, in a  
 13 cumulative amount in excess of \$500] **FOR AN OFFICE OF A GOVERNMENTAL**  
 14 **ENTITY WITH WHICH THE PERSON IS DOING PUBLIC BUSINESS.**

15 (c) “Business entity” includes a firm, corporation, trust, unincorporated  
 16 association, or other organization, whether or not conducted for profit.

17 (d) “Candidate” includes an incumbent office holder.

18 ~~(e) “Contract” [includes a sale, purchase, lease, or other agreement] MEANS~~  
 19 ~~A PROCUREMENT CONTRACT AS DEFINED IN § 11-101(N) OF THE STATE~~  
 20 ~~FINANCE AND PROCUREMENT ARTICLE THAT IS AWARDED BY ANY~~  
 21 ~~GOVERNMENTAL ENTITY.~~

22 **(E) (1) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM ENTERED**  
 23 **INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN §**  
 24 **11-101(M)(1) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

25 **(2) “CONTRACT” DOES NOT INCLUDE:**

26 **(I) A COLLECTIVE BARGAINING AGREEMENT WITH AN**  
 27 **EMPLOYEE ORGANIZATION;**

28 **(II) AN AGREEMENT WITH A CONTRACTUAL EMPLOYEE, AS**  
 29 **DEFINED IN § 1-101(D) OF THE STATE PERSONNEL AND PENSIONS ARTICLE;**

1 (III) A MEDICAID, JUDICARE, OR SIMILAR REIMBURSEMENT  
 2 CONTRACT FOR WHICH LAW SETS:

3 1. USER OR RECIPIENT ELIGIBILITY; AND

4 2. PRICE PAYABLE BY THE STATE; OR

5 (IV) A MEDICAID CONTRACT WITH A MANAGED CARE  
 6 ORGANIZATION, AS DEFINED IN § 15-101(E) OF THE HEALTH – GENERAL  
 7 ARTICLE AS TO WHICH REGULATIONS ADOPTED BY THE DEPARTMENT  
 8 ESTABLISH:

9 1. RECIPIENT ELIGIBILITY;

10 2. MINIMUM QUALIFICATIONS FOR MANAGED CARE  
 11 ORGANIZATIONS; AND

12 3. CRITERIA FOR ENROLLING RECIPIENTS IN  
 13 MANAGED CARE ORGANIZATIONS.

14 (f) (1) Subject to paragraph (2) of this subsection, “contribution” has the  
 15 meaning stated in § 1-101 of this article.

16 (2) “Contribution” does not include:

17 (i) a bona fide gift by a spouse or relative within the third  
 18 degree of consanguinity; or

19 (ii) an honorary membership in a social, service, or fraternal  
 20 organization presented as a courtesy by the organization.

21 (G) “DIRECTOR” MEANS A MEMBER OF THE BOARD OF DIRECTORS OF A  
 22 BUSINESS ENTITY.

23 [(g)] (H) (1) “Doing public business” means making[, during any  
 24 12-month period, one or more contracts] A SINGLE CONTRACT with [one or more  
 25 governmental entities] A SINGLE GOVERNMENTAL ENTITY involving cumulative  
 26 consideration of at least [\$100,000] \$200,000.

27 (2) “Doing public business” does not include receiving a salary from a  
 28 governmental entity.

29 [(h)] (I) “Governmental entity” means:

1 (1) the State, a county, a municipal corporation, or other political  
2 subdivision of the State; and

3 (2) a unit of the State, a county, a municipal corporation, or other  
4 political subdivision of the State.

5 [(i)] (J) “Make a contribution” includes to cause a contribution to be made.

6 (K) “OFFICER” MEANS AN INDIVIDUAL WHO SERVES AS A BUSINESS  
7 ENTITY’S CHIEF EXECUTIVE OFFICER, PRESIDENT, VICE PRESIDENT,  
8 SECRETARY, TREASURER, CHIEF FINANCIAL OFFICER, MANAGING PARTNER,  
9 MANAGING MEMBER, OR PRINCIPAL, OR IN ANY OTHER FORMAL OR INFORMAL  
10 ROLE IN WHICH THE INDIVIDUAL EXERCISES SUBSTANTIAL INDEPENDENT  
11 RESPONSIBILITY FOR MANAGING THE AFFAIRS OF A BUSINESS ENTITY.

12 14–102.

13 For purposes of this title, words and phrases defined under § 1–101 of this  
14 article shall be deemed, as the case may be, to include or apply to an individual who  
15 seeks or holds elective office in a municipal corporation and a campaign fundraising  
16 entity for that individual.

17 14–103.

18 A contribution to a campaign finance entity of a candidate shall be deemed to be  
19 a contribution to the candidate for the purposes of this title.

20 14–104.

21 (a) A person doing public business shall file a statement with the State  
22 Board as provided in this section.

23 (b) (1) When a contract is [made] AWARDED that causes a person to be  
24 doing public business, an initial statement shall be filed[:

25 (i)] at that time, covering the preceding 24 months[, if the  
26 person has made an applicable contribution within that period; or

27 (ii) if item (i) of this paragraph does not apply, but the person  
28 subsequently makes an applicable contribution during a reporting period specified in  
29 paragraph (2) of this subsection, as required by that paragraph].

30 (2) (i) A person WHO FILES AN INITIAL STATEMENT UNDER  
31 PARAGRAPH (1) OF THIS SUBSECTION shall file a semi–annual statement in  
32 accordance with this paragraph for each reporting period specified in subparagraph (ii)  
33 of this paragraph [in which the person has made an applicable contribution] if[:

1                   1.] performance remains uncompleted on [any] **THE**  
2 contract that caused the person to be doing public business[; or

3                   2. the person is doing public business].

4                   (ii) 1. The statements required by subparagraph (i) of this  
5 paragraph shall cover 6-month reporting periods ending on January 31 and July 31.

6                   2. A statement required by subparagraph (i) of this  
7 paragraph shall be filed within 5 days after the end of the applicable reporting period.

8           (c) (1) The statement required by this section shall be made under oath  
9 and shall contain:

10                   (i) the name of each candidate, **IF ANY**, to whom [an applicable  
11 contribution was] **ONE OR MORE APPLICABLE CONTRIBUTIONS IN A CUMULATIVE**  
12 **AMOUNT OF \$500 OR MORE WERE** made during the reporting period [and, if not  
13 previously reported, during the preceding reporting period];

14                   (ii) the office sought by each candidate named in item (i) of this  
15 paragraph;

16                   (iii) the amount of aggregate contributions made to each  
17 candidate named in item (i) of this paragraph;

18                   (iv) the name of each unit of a governmental entity with which  
19 the person did public business during the reporting period;

20                   (v) the nature and amount of public business done with each  
21 unit of a governmental entity; and

22                   (vi) if the public business was done or the contribution was made  
23 by another person but is attributed to the person filing the statement, the name of the  
24 person who did the public business or made the contribution and the relationship of  
25 that person to the person filing the statement.

26           (2) The information required by paragraph (1)(iv) and (v) of this  
27 subsection may be omitted on the written approval of the [Attorney General] **STATE**  
28 **BOARD** if the [Attorney General] **STATE BOARD** finds that:

29                   (i) requiring the information would be unduly burdensome;

30                   (ii) the public interest would not be impaired substantially by  
31 the omission of this information; and



1 (iii) the person filing the statement stipulates that the person  
2 has done public business during the reporting period.

3 (d) **[(1)]** The State Board shall retain each statement filed under this title  
4 as a public record for at least 2 years after its receipt and shall make the statement  
5 **PUBLICLY** available [for public examination and copying during normal office hours]  
6 **ON THE INTERNET.**

7 **[(2)]** The State Board may establish reasonable fees and administrative  
8 procedures governing public examination and copying of the statements filed under  
9 this section.†

10 ~~[(e)]~~ The State Board shall prescribe and make available forms for the  
11 statements required by this section.]

12 **(E) A PERSON SHALL FILE A STATEMENT REQUIRED UNDER THIS**  
13 **SECTION IN AN ELECTRONIC FORMAT REQUIRED BY THE STATE BOARD.**

14 14–105.

15 (a) Except as provided in subsection (f) of this section, an applicable  
16 contribution made by an officer, director, or partner of a business entity doing public  
17 business shall be attributed to the business entity.

18 (b) Except as provided in subsection (f) of this section, each officer, director,  
19 or partner of a business entity doing public business who makes an applicable  
20 contribution shall report the applicable contribution to the chief executive officer of the  
21 business entity.

22 (c) **[A] AN APPLICABLE** contribution by an officer, director, partner,  
23 employee, agent, or other person made at the suggestion or direction of a business  
24 entity doing public business shall be attributed to the business entity.

25 (d) Each officer, director, partner, employee, agent, or other person who, at  
26 the suggestion or direction of a business entity doing public business, makes an  
27 applicable contribution shall report the applicable contribution to the chief executive  
28 officer of the business entity.

29 (e) (1) Business done with a governmental entity by a subsidiary of a  
30 business entity shall be attributed to the business entity if 30% or more of the equity  
31 of the subsidiary is owned or controlled by the business entity.

32 (2) Applicable contributions made by or attributed to a subsidiary  
33 described in paragraph (1) of this subsection shall be attributed to the business entity.

34 (f) (1) In this subsection:

1 (i) “officer” means an individual who serves as an  
2 organization’s president or chairman, vice-president or vice-chairman, secretary,  
3 treasurer, or executive director, or any individual exercising duties comparable to  
4 those typically exercised by an individual holding one of those titles in a not-for-profit  
5 organization; and

6 (ii) “officer” does not include an individual holding a title but  
7 not exercising substantial independent responsibility on behalf of the organization  
8 similar to the responsibility typically exercised by an individual holding one of the  
9 titles under item (i) of this paragraph.

10 (2) Subject to paragraph (3) of this subsection, an applicable  
11 contribution made by an individual who serves as a trustee or member of the board of  
12 directors or as an officer of a not-for-profit organization doing public business is not  
13 attributable to the organization, and the individual is not required to report the  
14 applicable contribution to the chief executive officer of the organization.

15 (3) This subsection does not apply if:

16 (i) the applicable contribution is made on the recommendation  
17 of the not-for-profit organization; or

18 (ii) the individual described in paragraph (2) of this subsection  
19 is paid by the not-for-profit organization.

20 **(G) (1) A PERSON DOING PUBLIC BUSINESS SHALL MAINTAIN**  
21 **DETAILED AND ACCURATE RECORDS OF:**

22 **(I) CONTRACTS MADE BY THE PERSON OR ATTRIBUTED TO**  
23 **THE PERSON THAT CAUSE THE PERSON TO BE DOING PUBLIC BUSINESS; AND**

24 **(II) APPLICABLE CONTRIBUTIONS MADE BY THE PERSON OR**  
25 **ATTRIBUTED TO THE PERSON.**

26 **(2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION**  
27 **SHALL BE PRESERVED UNTIL THE EARLIER OF:**

28 **(I) 10 YEARS AFTER THE CREATION OF THE RECORD; OR**

29 **(II) 4 YEARS AFTER PERFORMANCE IS COMPLETED ON THE**  
30 **CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS.**

1 If a contract involves consideration to be paid over multiple reporting periods,  
2 the total ascertainable consideration to be paid under the contract shall be  
3 attributable to the date when the contract is made.

4 14-107.

5 (A) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
6 SUBSECTION, A GOVERNMENTAL ENTITY THAT HAS AWARDED A PERSON A  
7 CONTRACT THAT CAUSES THE PERSON TO BE DOING PUBLIC BUSINESS SHALL  
8 ~~VERIFY REQUIRE:~~

9 (I) REQUIRE THE PERSON TO CERTIFY THAT THE PERSON  
10 HAS FILED THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF THIS TITLE;  
11 ~~AND BEFORE ALLOWING THE PERSON TO BEGIN PERFORMANCE OF THE~~  
12 ~~CONTRACT.~~

13 ~~(2) A GOVERNMENTAL ENTITY SHALL (II) NOTIFY THE STATE~~  
14 ~~BOARD IF A PERSON OF THE NAMES AND CONTACT INFORMATION OF PERSONS~~  
15 ~~IF A PERSON DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY FAILS~~  
16 ~~WHO ARE REQUIRED FAILS TO FILE THE STATEMENT REQUIRED UNDER §~~  
17 ~~14-104(B)(1) OF THIS TITLE WITHIN 15 DAYS AFTER THE DATE THAT THE~~  
18 ~~PERSON BEGAN DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY.~~

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

21 (B) (1) IF A PERSON FILES A STATEMENT UNDER § 14-104 OF THIS  
22 TITLE THAT DOES NOT INCLUDE ALL THE INFORMATION REQUIRED, THE STATE  
23 BOARD SHALL NOTIFY THE PERSON IN WRITING OF THE PARTICULAR  
24 DEFICIENCIES.

25 (2) WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE UNDER  
26 PARAGRAPH (1) OF THIS SUBSECTION, THE PERSON SHALL FILE AN AMENDED  
27 STATEMENT THAT INCLUDES ALL THE INFORMATION REQUIRED.

28 (C) (1) AS PROVIDED IN THIS SUBSECTION, THE STATE BOARD MAY  
29 IMPOSE FEES FOR LATE FILING OF:

30 (I) A STATEMENT REQUIRED UNDER § 14-104 OF THIS  
31 TITLE; OR

32 (II) AN AMENDED STATEMENT REQUIRED UNDER  
33 SUBSECTION (B) OF THIS SECTION.

1           **(2) THE STATE BOARD MAY IMPOSE LATE FILING FEES IN THE**  
 2 **SAME AMOUNTS AND IN THE SAME MANNER AS PROVIDED UNDER § 13-331(A)**  
 3 **AND (B) OF THIS ARTICLE FOR LATE FILING OF CAMPAIGN FINANCE REPORTS.**

4           **(3) LATE FILING FEES IMPOSED UNDER THIS SUBSECTION SHALL**  
 5 **BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

6           **[(a)] (D)** A person who knowingly and willfully violates this title is guilty of  
 7 a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
 8 imprisonment not exceeding 1 year or both.

9           **[(b)] (E)** An officer or partner of a business entity who knowingly authorizes  
 10 or participates in a violation of this title by the business entity is subject to the penalty  
 11 provided in subsection (a) of this section.

12 14-108.

13 This title shall be liberally construed to require full disclosure.

14 **14-109.**

15 **THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
 16 **TITLE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 18 read as follows:

19 **Article – Courts and Judicial Proceedings**

20 5-106.

21 (f) A prosecution for the commission of or the attempt to commit a  
 22 misdemeanor constituting: (1) [except as provided in subsection (h) of this section, a  
 23 criminal offense under the State election laws; or (2)] a criminal offense under the  
 24 Maryland Public Ethics Law; or **[(3)](2)** criminal malfeasance, misfeasance, or  
 25 nonfeasance in office committed by an officer of the State, or of an agency of the State,  
 26 or of a political subdivision of the State, or of a bicounty or multicounty agency in the  
 27 State shall be instituted within 2 years after the offense was committed.

28 (h) A prosecution: **(1) FOR THE COMMISSION OF OR FOR THE ATTEMPT**  
 29 **TO COMMIT A MISDEMEANOR CONSTITUTING A CRIMINAL OFFENSE UNDER THE**  
 30 **STATE ELECTION LAWS; OR (2)** to impose a civil fine for an offense arising under §  
 31 13-604 of the Election Law Article shall be instituted within 3 years after the offense  
 32 was committed.

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

3 Article – Election Law

4 1-101.

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

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

10 (1) a political party;

11 (2) a central committee;

12 (3) a slate;

13 (4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;

14 [(4)] (5) [a political committee organized and operated solely to  
 15 support or oppose a single candidate] AN AUTHORIZED CANDIDATE CAMPAIGN  
 16 COMMITTEE; or

17 [(5)] (6) [a political committee organized and operated solely to  
 18 support or oppose] a ballot issue COMMITTEE.

19 5-303.

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

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

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

28 (b) A certificate of candidacy for an office to be filled by a special election  
 29 under this article shall be received and filed in the office of the appropriate board not  
 30 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the

1 special primary election specified by the Governor in the proclamation for the special  
2 primary election.

3 (c) The certificate of candidacy for the election of a write-in candidate shall  
4 be filed by the earlier of:

5 (1) 7 days after a total expenditure of at least \$51 is made to promote  
6 the candidacy by a campaign finance entity of the candidate; or

7 (2) 5 p.m. on the Wednesday preceding the day of the election for which  
8 the certificate is filed.

9 9-207.

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

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

13 (2) for a general election];

14 (i) in the year that the President of the United States is elected],  
15 at least 55 days before the election]; and

16 (ii) in any other year, not more than 18 days after the primary  
17 election];

18 (3) for a special primary election, at least 18 days before the election;  
19 and

20 (4) for a special general election, not later than a date specified in the  
21 Governor's proclamation.

22 13-202.

23 (a) Unless otherwise expressly authorized by law, all campaign finance  
24 activity for an election under this article shall be conducted through a campaign  
25 finance entity.

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

30 13-208.1.

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

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

6 **13-220.1.**

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

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

11       **(C) A DONATION TO AN ADMINISTRATIVE ACCOUNT:**

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

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

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

18       **(E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:**

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

21               **(2) REQUIRE DISCLOSURE OF:**

22                       **(I) DONATIONS TO AN ADMINISTRATIVE ACCOUNT; AND**

23                       **(II) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT.**

24 **13-234.**

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

26               **(1) check;**

27               **(2) credit card;**

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

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

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

6                   (1) the identity of the person making the contribution may be verified;

7                   (2) the transaction is secure; and

8                   (3) there is an adequate record of the transaction.

9 13-235.

10           (a) This section applies to the following officials:

11                   (1) the Governor;

12                   (2) the Lieutenant Governor;

13                   (3) the Attorney General;

14                   (4) the Comptroller; and

15                   (5) a member of the General Assembly.

16           (b) Except as provided in subsection (c) [or], (d), OR (E) of this section,  
17 during a regular session of the General Assembly an official described in subsection (a)  
18 of this section, or a person acting on behalf of the official, may not, as to a candidate for  
19 federal, State, or local office, or a campaign finance entity of the candidate or any other  
20 campaign finance entity organized under this title and operated in coordination with a  
21 candidate:

22                   (1) receive a contribution;

23                   (2) conduct a fund-raising event;

24                   (3) solicit or sell a ticket to a fund-raising event; or

25                   (4) deposit or use any contribution of money that was not deposited  
26 prior to the session.

27           (c) An official described in subsection (a) of this section, or a person acting on  
28 behalf of the official, is not subject to this section when engaged in activities solely



1 related to the official's election to an elective federal or local office for which the official  
2 is a filed candidate.

3 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of  
4 the election only, may accept eligible private contributions and any disbursement of  
5 funds by the State Board that is based on the eligible private contributions.

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

10 ~~[(e)]~~ **(F)** (1) As to a violation of this section, the campaign finance entity  
11 of the official in violation is liable for a civil penalty as provided in this subsection.

12 (2) The State Board, represented by the State Prosecutor, may institute  
13 a civil action in the circuit court for any county seeking the civil penalty provided in  
14 this subsection.

15 (3) A campaign finance entity that receives a contribution as a result of  
16 the violation shall:

17 (i) refund the contribution to the contributor; and

18 (ii) pay a civil penalty that equals the sum of \$1,000 plus the  
19 amount of the contribution.

20 13-309.

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

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

29 ~~[(1)]~~ **(2)** except for a ballot issue committee, on or before the fourth  
30 Tuesday immediately preceding each primary election [except a presidential primary  
31 election];

32 ~~[(2)]~~ **(3)** except for a ballot issue committee, on or before the second  
33 Friday immediately preceding a primary election;

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

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

5           ~~[(4)]~~ **(6)** *on or before the second Friday immediately preceding a*  
6 *general election; and*

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

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

11           **(2)** *In addition to the campaign finance reports required under*  
12 *subsection (a) of this section, but subject to paragraph (4) of this subsection, a*  
13 *campaign finance entity shall file A campaign finance [reports] REPORT on the third*  
14 *Wednesday in January.*

15           **(3) (i)** *If subsequent to the filing of its declaration under §*  
16 *13-208(c)(3) of this title, a campaign finance entity participates in an election in which*  
17 *it was not designated to participate, the campaign finance entity shall file all campaign*  
18 *FINANCE reports prescribed under subsection (a) of this section for that election.*

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

23           **(4)** *If a campaign finance entity has neither a cash balance nor an*  
24 *outstanding obligation at the end of a reporting period, a campaign finance report for*  
25 *that period, clearly marked as “final”, shall be filed on or before the due date, and no*  
26 *further report is required.*

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

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

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

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

4 13-604.1.

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

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

8                   (1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN  
9 § 13-218(B)(2), (C), AND (D) OF THIS TITLE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           **(I) THE CITATION SHALL CONTAIN:**

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

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

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

23                   **(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;**

24                   **(5) THE AMOUNT OF THE PENALTY ASSESSED;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17                   (P) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

18                   (1) IS NOT A CRIMINAL CONVICTION; AND

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

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

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

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

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

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

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

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

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

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

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

16           **(2) THE GOOD FAITH OF THE VIOLATOR; AND**

17           **(3) ANY HISTORY OF PRIOR VIOLATIONS.**

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

20           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
 21 shall be construed to apply only prospectively to offenses committed on or after the  
 22 effective date of this Act and may not be applied or interpreted to have any effect on or  
 23 application to an offense committed before the effective date of this Act.

24           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That if any provision of this  
 25 Act or the application thereof to any person or circumstance is held invalid for any  
 26 reason in a court of competent jurisdiction, the invalidity does not affect other  
 27 provisions or any other application of this Act which can be given effect without the  
 28 invalid provision or application, and for this purpose, the provisions of this Act are  
 29 declared severable.

30           SECTION ~~4~~ ~~5~~ 6. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 4  
 31 of this Act shall take effect January 1, 2015.

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