

HOUSE BILL 1499

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

Introduced and read first time: February 28, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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 under certain circumstances; authorizing the establishment of legislative party
10 caucus committees; providing that the State Board satisfies certain notice
11 requirements by sending notices to certain addresses; authorizing a central
12 committee of a political party or legislative party caucus committee to establish
13 an administrative account; establishing requirements for the functioning of
14 administrative accounts; altering the circumstances under which a campaign
15 contribution receipt must be issued; altering certain limits on the aggregate
16 amount of contributions a person may make in an election cycle; requiring that
17 certain contribution limits and certain transfer limits be adjusted in a certain
18 manner at certain times; providing that contributions by two or more business
19 entities be considered as being made by one contributor under certain
20 circumstances; providing that certain limits on transfers between campaign
21 finance entities do not apply to certain campaign finance entities; establishing a
22 limit on the amount of transfers a slate may make in an election cycle to the
23 authorized candidate campaign committees of its members; requiring certain
24 political action committees to include certain information on the face of a check
25 transferring funds to another campaign finance entity; authorizing certain
26 officials to deposit a contribution during a session of the General Assembly
27 under certain circumstances; repealing a certain provision relating to
28 expenditures made by a campaign finance entity located outside the State;
29 requiring an out-of-state political committee to register and file reports with
30 the State Board that include certain information at certain times and in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain manner; prohibiting an authorized candidate campaign committee from
2 reporting more than a certain amount of contributions in an election cycle on its
3 campaign finance reports without providing certain information about each
4 contribution; repealing certain provisions relating to the filing of campaign
5 finance reports or affidavits by authorized candidate campaign committees of
6 candidates for election to the central committee of a political party; altering
7 certain definitions in the law governing disclosure of independent expenditures
8 and electioneering communications; requiring a person who makes a certain
9 amount of independent expenditures or electioneering communications to
10 register and file certain reports with the State Board within a certain time;
11 requiring an independent expenditure or electioneering communication report
12 to identify persons who made donations of a certain amount to the person
13 making the independent expenditure or electioneering communication;
14 requiring a person to file an amended independent expenditure or
15 electioneering communication report under certain circumstances; authorizing
16 the State Board to assess certain civil penalties for failure to file properly an
17 independent expenditure or electioneering communication report; requiring a
18 campaign finance entity to file a campaign finance report on a certain date
19 immediately preceding a general election; providing that the authorized
20 candidate campaign committee of a candidate for election to the central
21 committee of a political party is required to file certain campaign finance
22 reports and is not required to file any other campaign finance reports; requiring
23 a political committee that makes only independent expenditures or
24 electioneering communications to file campaign finance reports at certain times
25 and subject to certain sanctions; requiring a campaign finance entity to file an
26 amended campaign finance report under certain circumstances; providing for
27 certain fees and other sanctions for late filing of an amended campaign finance
28 report; altering certain fees for late filing of a campaign finance report;
29 requiring that a late filing fee be paid by a campaign finance entity except
30 under certain circumstances; authorizing the governing body of a county to
31 establish a system of public campaign financing for elective offices in the
32 executive or legislative branches of county government; specifying certain
33 requirements for a county system of public campaign financing; authorizing the
34 State Board to assess a civil penalty for certain violations of campaign finance
35 law; providing for the maximum amount of a civil penalty and requirements for
36 issuing, paying, and contesting a civil penalty; authorizing a person who is
37 assessed a civil penalty to elect to stand trial for the violation in District Court;
38 requiring the State Prosecutor to assume responsibility for prosecuting a
39 violation in District Court; providing for the procedures to be followed in the
40 District Court; providing that a civil penalty is not a criminal conviction;
41 altering certain definitions in the law governing disclosure of contributions by
42 persons doing public business; altering certain requirements relating to certain
43 statements of contributions by persons doing public business; transferring
44 responsibility for waiving certain disclosure requirements applicable to persons
45 doing public business from the Attorney General to the State Board; requiring a
46 person doing public business to maintain certain records for a certain period of
47 time; requiring a governmental entity to verify that a person doing public

1 business has filed a certain statement of contributions before allowing the
2 person to begin performance of a contract; requiring a person doing public
3 business to file an amended statement of contributions under certain
4 circumstances; authorizing the State Board to impose certain fees for late filing
5 of a statement of contributions by a person doing public business in a certain
6 manner; authorizing the State Board to adopt regulations implementing the law
7 governing disclosure of contributions by persons doing public business;
8 extending the statute of limitations for a misdemeanor constituting a criminal
9 offense under the State election laws; providing for the application of the
10 extension of the statute of limitations under this Act; making technical and
11 clarifying corrections; making conforming changes; defining certain terms;
12 providing for a delayed effective date; and generally relating to campaign
13 finance.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 1–101(o), (ff), and (gg), 2–102, 13–202, 13–207, 13–209, 13–214, 13–222,
17 13–226, 13–227, 13–228, 13–234, 13–235, 13–240, 13–304, 13–305,
18 13–306, 13–307, 13–309, 13–327, 13–331, 13–340, 14–101, 14–104,
19 14–105, and 14–107
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2012 Supplement)

22 BY adding to
23 Article – Election Law
24 Section 1–101(bb–1), 13–208.1, 13–220.1, 13–301, 13–309.1, 13–505, 13–604.1,
25 and 14–109
26 Annotated Code of Maryland
27 (2010 Replacement Volume and 2012 Supplement)

28 BY repealing
29 Article – Election Law
30 Section 13–301
31 Annotated Code of Maryland
32 (2010 Replacement Volume and 2012 Supplement)

33 BY repealing and reenacting, without amendments,
34 Article – Election Law
35 Section 14–102, 14–103, 14–106, and 14–108
36 Annotated Code of Maryland
37 (2010 Replacement Volume and 2012 Supplement)

38 BY repealing and reenacting, with amendments,
39 Article – Courts and Judicial Proceedings
40 Section 5–106(f) and (h)
41 Annotated Code of Maryland
42 (2006 Replacement Volume and 2012 Supplement)

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

3 **Article – Election Law**

4 1–101.

5 (o) (1) “Contribution” means the gift or transfer, or promise of gift or
6 transfer, of money or other thing of value to a campaign finance entity to promote or
7 assist in the promotion of the success or defeat of a candidate, political party, or
8 question.

9 (2) “Contribution” includes:

10 (I) proceeds from the sale of tickets to a campaign fund–raising
11 event; AND

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

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

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

21 (1) a political party;

22 (2) a central committee;

23 (3) a slate;

24 (4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;

25 [(4)] (5) a political committee organized and operated solely to
26 support or oppose a single candidate; or

27 [(5)] (6) a political committee organized and operated solely to
28 support or oppose a ballot issue.

29 (gg) “Political committee” means a combination of two or more individuals
30 that [assists or attempts] HAS AS ITS MAJOR PURPOSE ASSISTING OR

1 **ATTEMPTING** to assist in promoting the success or defeat of a candidate, political
2 party, or question submitted to a vote at any election.

3 2–102.

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

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

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

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

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

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

15 (5) receive, [and] **OR** in its discretion audit, campaign finance reports,
16 **ACCOUNT BOOKS AND RECORDS KEPT UNDER § 13–221 OF THIS ARTICLE**,
17 independent expenditure reports filed **AND RECORDS KEPT** under § 13–306 of this
18 article, [and] electioneering communication reports filed **AND RECORDS KEPT** under
19 § 13–307 of this article, **AND STATEMENTS FILED AND RECORDS KEPT UNDER §**
20 **14–105 OF THIS ARTICLE**;

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

23 (7) maximize the use of technology in election administration,
24 including the development of a plan for a comprehensive computerized elections
25 management system;

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

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

31 (10) subject to § 2–106 of this subtitle and § 13–341 of this article,
32 receive, maintain, and serve as a depository for elections documents, materials,

1 records, statistics, reports, certificates, proclamations, and other information
2 prescribed by law or regulation;

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

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

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

11 13–202.

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

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

19 13–207.

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

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

24 (c) To establish a political committee:

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

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

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

31 (iii) the information required by § 13–208 of this subtitle; and

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

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

7 (4) The chairman or treasurer of a political committee shall notify the
8 State Board of a change in the electronic mail address of the chairman or treasurer by
9 the date specified in paragraph (3) of this subsection if the chairman and treasurer of
10 the political committee have affirmatively consented to receiving notice under this title
11 only by electronic mail.

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

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

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

21 **13-208.1.**

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

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

27 **13-209.**

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

30 (b) After establishing a campaign finance entity in accordance with §
31 13-202(b) of this subtitle, a candidate may join a slate.

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

- 1 (2) The notice shall specify:
- 2 (i) the name of the slate that the candidate has joined; and
- 3 (ii) the date on which the candidate joined the slate.

4 **(D) A CANDIDATE MAY NOT REMAIN A MEMBER OF A SLATE OR JOIN A**
5 **SLATE IF THE CANDIDATE:**

6 **(1) HAS NOT FILED A CERTIFICATE OF CANDIDACY; AND**

7 **(2) IS NOT AN INCUMBENT OFFICEHOLDER.**

8 13–214.

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

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

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

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

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

21 13–220.1.

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

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

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

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

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

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

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

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

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

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

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

13 13–222.

14 (a) (1) By the next deadline for filing a campaign finance report after
15 receiving a contribution specified in paragraph (2) of this subsection, a treasurer shall
16 issue a campaign contribution receipt on the form that the State Board prescribes.

17 (2) A campaign contribution receipt shall be mailed or delivered to
18 each person who[:

19 (i)] makes one or more contributions[, other than the purchase
20 of tickets for a campaign event,] in the cumulative amount of \$51 or more[; or

21 (ii) purchases one or more tickets for a campaign event:

22 1. at a cost of \$51 or more per ticket; or

23 2. in the cumulative amount of \$251 or more].

24 (3) At the request of a contributor, a treasurer shall issue a campaign
25 contribution receipt for any other contribution.

26 (4) A campaign contribution receipt issued under this section is
27 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 PUBLISHED MONTHLY BY THE BUREAU OF LABOR**
12 **STATISTICS OF THE U.S. DEPARTMENT OF LABOR THAT IS A WEIGHTED**
13 **AVERAGE OF A BASKET OF CONSUMER GOODS AND SERVICES.**

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

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

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

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

30 **[(d)] (E) The limit on contributions to the campaign finance entity of a**
31 **candidate applies regardless of the number of offices sought by the candidate or**
32 **campaign finance entities formed to support the candidate.**

33 **(F) (1) IN THIS SUBSECTION, “BUSINESS ENTITY” INCLUDES A**
34 **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 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) between or among:

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

20 (ii) a slate and the [campaign finance entities of its members]
21 AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF ITS MEMBERS, IF THE
22 ONLY MEMBERS OF THE SLATE ARE A CANDIDATE FOR GOVERNOR AND A
23 CANDIDATE FOR LIEUTENANT GOVERNOR WHO ARE RUNNING ON THE SAME
24 TICKET; [and]

25 (III) A LEGISLATIVE PARTY CAUCUS COMMITTEE AND THE
26 AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF THE CANDIDATES THE
27 LEGISLATIVE PARTY CAUCUS COMMITTEE SEEKS TO ELECT; AND

28 [(iii)] (IV) the campaign finance entities of a candidate.

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

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

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

7 (i) the amount of transfers made by a campaign finance entity;
8 and

9 (ii) the amount of transfers received by a campaign finance
10 entity.

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

12 (i) are organized and operated in coordination and cooperation
13 with each other; or

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

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

20 13–228.

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

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

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

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

29 **(II) IF THE POLITICAL ACTION COMMITTEE IS ORGANIZED**
30 **UNDER MARYLAND LAW, THE WORDS “MARYLAND REGISTERED POLITICAL**
31 **ACTION COMMITTEE” OR THE NOTATION “MD REGISTERED PAC” TO INDICATE**
32 **THAT THE TRANSFEROR IS A MARYLAND POLITICAL ACTION COMMITTEE.**

1 13-234.

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

3 (1) check;

4 (2) credit card;

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

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

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

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

12 (2) the transaction is secure; and

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

14 13-235.

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

16 (1) the Governor;

17 (2) the Lieutenant Governor;

18 (3) the Attorney General;

19 (4) the Comptroller; and

20 (5) a member of the General Assembly.

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

27 (1) receive a contribution;

1 (2) conduct a fund-raising event;

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

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

5 (c) An official described in subsection (a) of this section, or a person acting on
6 behalf of the official, is not subject to this section when engaged in activities solely
7 related to the official's election to an elective federal or local office for which the official
8 is a filed candidate.

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

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

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

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

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

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

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

26 13-240.

27 (a) This section applies to a spin or chance on a paddle wheel or wheel of
28 fortune that is authorized under the laws of this State to operate at a campaign
29 fund-raising event.

30 (b) **[Notwithstanding] EXCEPT AS PROVIDED IN § 13-304(C) OF THIS**
31 **TITLE, BUT NOTWITHSTANDING § 13-239 of this subtitle or any other law that**
32 **prohibits an anonymous contribution, a political committee may accept money received**

1 from the sale of a spin or chance, and need not identify the individual purchaser in its
2 account book, if:

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

4 (i) the net amount received by the political committee at the
5 event at which the sale was made; and

6 (ii) the name and address of each individual who attended the
7 event;

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

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

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

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

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

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

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

19 [13-301.

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

23 **13-301.**

24 (A) IN THIS SECTION, “OUT-OF-STATE POLITICAL COMMITTEE” MEANS
25 A NONFEDERAL POLITICAL COMMITTEE ORGANIZED UNDER THE LAW OF
26 ANOTHER STATE.

27 (B) (1) AN OUT-OF-STATE POLITICAL COMMITTEE SHALL REGISTER
28 WITH THE STATE BOARD ON A FORM THAT THE STATE BOARD PRESCRIBES
29 WITHIN 48 HOURS AFTER DIRECTLY OR INDIRECTLY MAKING TRANSFERS IN A
30 CUMULATIVE AMOUNT OF \$6,000 OR MORE IN AN ELECTION CYCLE TO ONE OR

1 MORE CAMPAIGN FINANCE ENTITIES ORGANIZED UNDER SUBTITLE 2, PART II
2 OF THIS TITLE.

3 (2) THE REGISTRATION FORM THE STATE BOARD PRESCRIBES
4 SHALL REQUIRE AN OUT-OF-STATE POLITICAL COMMITTEE TO DESIGNATE THE
5 ELECTION IN WHICH THE COMMITTEE IS PARTICIPATING.

6 (C) AFTER REGISTERING WITH THE STATE BOARD, AN OUT-OF-STATE
7 POLITICAL COMMITTEE SHALL FILE REPORTS WITH THE STATE BOARD FOR THE
8 ELECTION IN WHICH THE COMMITTEE IS PARTICIPATING ON OR BEFORE EACH
9 DATE THAT A CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS REQUIRED TO
10 FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.

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

12 (1) DISCLOSE ALL EXPENDITURES MADE IN THE STATE BY THE
13 OUT-OF-STATE POLITICAL COMMITTEE:

14 (I) FROM THE BEGINNING OF THE ELECTION CYCLE IN THE
15 CASE OF THE FIRST REPORT FILED BY THE OUT-OF-STATE POLITICAL
16 COMMITTEE; OR

17 (II) DURING THE APPLICABLE REPORTING PERIOD UNDER §
18 13-312 OF THIS SUBTITLE FOR EACH SUBSEQUENT REPORT FILED BY THE
19 OUT-OF-STATE POLITICAL COMMITTEE;

20 (2) DESCRIBE HOW TO ACCESS THE CAMPAIGN FINANCE REPORTS
21 FILED BY THE OUT-OF-STATE POLITICAL COMMITTEE IN THE STATE WHERE
22 THE COMMITTEE IS ORGANIZED; AND

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

25 13-304.

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

30 (2) A campaign finance report submitted using an electronic format
31 shall:

32 (i) be made under oath or affirmation;

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

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

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

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

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

12 **(C) (1) THE REQUIREMENTS OF THIS SUBSECTION PREVAIL TO THE**
13 **EXTENT OF ANY CONFLICT WITH § 13-240(B) OF THIS TITLE.**

14 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
15 **SUBSECTION, AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE SHALL**
16 **REPORT THE FOLLOWING INFORMATION ON ITS CAMPAIGN FINANCE REPORTS**
17 **FOR EACH CONTRIBUTION THE COMMITTEE RECEIVES:**

18 **(I) THE AMOUNT OF EACH CONTRIBUTION; AND**

19 **(II) THE NAME AND ADDRESS OF EACH CONTRIBUTOR.**

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

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

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

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

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

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

1 13-305.

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

6 (1) establishing the campaign finance entity; or

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

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

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

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

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

20 13-306.

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

22 (2) (I) "Donation" means the gift or transfer, or promise of gift or
23 transfer, of money or other thing of value to a person [that is made for the purpose of
24 furthering] WHO MAKES independent expenditures.

25 (II) "DONATION" DOES NOT INCLUDE ANY AMOUNT OF
26 MONEY OR ANY OTHER THING OF VALUE:

27 1. RECEIVED BY A PERSON IN THE ORDINARY
28 COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON OR IN THE
29 FORM OF INVESTMENTS IN THE PERSON'S BUSINESS; OR

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

1 **B. IN THE CASE OF A MONETARY DONATION, IS**
2 **DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR**
3 **INDEPENDENT EXPENDITURES.**

4 **(3) “E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**
5 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**
6 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

7 **[(3)] (4) “Mass mailing” means a mailing by United States mail or**
8 **facsimile of more than 500 pieces of mail matter of an identical or substantially**
9 **similar nature within any 30-day period.**

10 **[(4)] (5) (i) “Person” includes an individual, a partnership, a**
11 **committee, an association, a corporation, a labor organization, or any other**
12 **organization or group of persons.**

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

15 **[(5)] (6) (i) “Public communication” means a communication by**
16 **means of any broadcast TELEVISION OR RADIO COMMUNICATION, cable**
17 **TELEVISION COMMUNICATION, [or] satellite TELEVISION OR RADIO**
18 **communication, newspaper, magazine, outdoor advertising facility, mass mailing,**
19 **E-MAIL BLAST, TEXT BLAST, or telephone bank to the general public, or any other**
20 **form of general public political advertising.**

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

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

27 2. a candidate debate or forum.

28 **[(6)] (7) “Telephone bank” means more than 500 telephone calls of an**
29 **identical or substantially similar nature within any 30-day period.**

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

33 **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**
34 **INDEPENDENT EXPENDITURES OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**

1 **CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, THE PERSON SHALL**
2 **FILE A REGISTRATION FORM WITH THE STATE BOARD.**

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

8 **[(c) (1)]** If the campaign material relates to a candidate, the person shall
9 file an independent expenditure report with the State Board on the next date a
10 campaign finance entity of a candidate is required to file a campaign finance report
11 under § 13–309 of this subtitle.

12 **(2)** If the campaign material relates to a ballot issue, the person shall
13 file an independent expenditure report with the State Board on the next date a ballot
14 issue committee is required to file a campaign finance report under § 13–309 of this
15 subtitle.

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

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

26 **[(2)]** An independent expenditure report under this subsection shall:

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

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

33 **(e)** An independent expenditure report shall include the following
34 information:

1 (1) the identity of the person making the independent expenditures
2 and of any person exercising direction or control over the activities of the person
3 making the independent expenditures;

4 (2) the business address of the person making the independent
5 expenditures;

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

8 (4) the candidate or ballot issue to which the independent expenditure
9 relates and whether the independent expenditure supports or opposes that candidate
10 or ballot issue; and

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

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

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

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

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

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

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

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

33 **(2) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,**
34 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**

1 PROPERLY AN INDEPENDENT EXPENDITURE REPORT OR AN AMENDED
2 INDEPENDENT EXPENDITURE REPORT IN AN AMOUNT NOT EXCEEDING THE
3 GREATER OF:

4 (I) \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN
5 INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT
6 EXPENDITURE REPORT IS OVERDUE; OR

7 (II) 10% OF THE AMOUNT OF THE DONATIONS OR
8 INDEPENDENT EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY
9 MANNER.

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

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

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

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

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

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

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

31 (2) An entity shall post the hyperlink required under paragraph (1)(ii)
32 of this subsection within 24 hours of the entity's independent expenditure report
33 information being made publicly available on the Internet, and the hyperlink shall
34 remain posted on the entity's Internet site until the end of the election cycle during
35 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 OR IN THE**
22 **FORM OF INVESTMENTS IN THE PERSON'S BUSINESS; OR**

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

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

29 (3) (i) "Electioneering communication" means a broadcast
30 **TELEVISION OR RADIO COMMUNICATION, A cable TELEVISION COMMUNICATION,**
31 **[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. a communication that proposes a commercial
25 transaction.

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

- 27 1. the name of a candidate appears;
- 28 2. a photograph or drawing of a candidate appears; or
- 29 3. the identity of a candidate or ballot issue is apparent
30 by unambiguous reference.

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

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

7 **[(4)] (6)** (i) “Person” includes an individual, a partnership, a
8 committee, an association, a corporation, a labor organization, or any other
9 organization or group of persons.

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

12 **(7) “TELEPHONE BANK” MEANS MORE THAN 5,000 TELEPHONE**
13 **CALLS OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY**
14 **30-DAY PERIOD.**

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

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

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

26 **[(c) (1)]** If the electioneering communications relate to a candidate, the
27 person shall file an electioneering communication report with the State Board on the
28 next date a campaign finance entity of a candidate is required to file a campaign
29 finance report under § 13-309 of this subtitle.

30 **(2)** If the electioneering communications relate to a ballot issue, the
31 person shall file an electioneering communication report with the State Board on the
32 next date a ballot issue committee is required to file a campaign finance report under §
33 13-309 of this subtitle.

34 **(3)** An electioneering communication report filed under this subsection
35 shall include the information required by subsection (e) of this section for the period

1 from the beginning of the election cycle through the last day of the reporting period
2 under § 13–312 of this subtitle that precedes the report filing date.]

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

9 [(2)] An electioneering communication report under this subsection
10 shall:

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

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

17 (e) An electioneering communication report shall include the following
18 information:

19 (1) the identity of the person making disbursements for electioneering
20 communications and of any person exercising direction or control over the activities of
21 the person making the disbursements for electioneering communications;

22 (2) the business address of the person making the disbursements for
23 electioneering communications;

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

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

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

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

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

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

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

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

11 (2) is responsible for filing electioneering communication reports in
12 full and 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 electioneering communication report.

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

20 **(2) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,**
21 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**
22 **PROPERLY AN ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
23 **ELECTIONEERING COMMUNICATION REPORT IN AN AMOUNT NOT EXCEEDING**
24 **THE GREATER OF:**

25 **(I) \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**
26 **ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING**
27 **COMMUNICATION REPORT IS OVERDUE; OR**

28 **(II) 10% OF THE AMOUNT OF THE DONATIONS OR**
29 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT**
30 **REPORTED IN A TIMELY MANNER.**

31 **(3) A PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION**
32 **SHALL BE:**

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

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

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

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

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

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

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

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

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

26 (i) all disbursements for electioneering communications made
27 by the person; and

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

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

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

1 13-309.

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

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

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

9 **(3) ON OR BEFORE THE LAST TUESDAY IN AUGUST IMMEDIATELY**
10 **PRECEDING A GENERAL ELECTION;**

11 ~~[(3)]~~ **(4)** for a ballot issue committee only, on or before the fourth
12 Friday immediately preceding a general election;

13 ~~[(4)]~~ **(5)** on or before the second Friday immediately preceding a
14 general election; and

15 ~~[(5)]~~ **(6)** on or before the third Tuesday after a general election.

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

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

23 (3) (i) If subsequent to the filing of its declaration under §
24 13-208(c)(3) of this title, a campaign finance entity participates in an election in which
25 it was not designated to participate, the campaign finance entity shall file all
26 campaign **FINANCE** reports prescribed under subsection (a) of this section for that
27 election.

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

32 (4) If a campaign finance entity has neither a cash balance nor an
33 outstanding obligation at the end of a reporting period, a campaign finance report for

1 that period, clearly marked as “final”, shall be filed on or before the due date, and no
2 further report is required.

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

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

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

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

14 **13-309.1.**

15 (A) IN THIS SECTION, “ELECTIONEERING COMMUNICATION” HAS THE
16 MEANING STATED IN § 13-307(A) OF THIS SUBTITLE.

17 (B) THIS SECTION APPLIES TO A POLITICAL COMMITTEE IF THE
18 EXPENDITURES OF THE POLITICAL COMMITTEE ARE EXCLUSIVELY:

19 (1) INDEPENDENT EXPENDITURES; OR

20 (2) DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

21 (C) FOR PURPOSES OF THIS SECTION, A POLITICAL COMMITTEE SHALL
22 BE CONSIDERED TO HAVE MADE AN EXPENDITURE IF THE POLITICAL
23 COMMITTEE HAS EXECUTED A CONTRACT TO MAKE AN EXPENDITURE.

24 (D) THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER THIS SECTION
25 ARE IN ADDITION TO THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER §
26 13-309 OF THIS SUBTITLE.

27 (E) WITHIN 48 HOURS AFTER A DAY ON WHICH A POLITICAL
28 COMMITTEE SUBJECT TO THIS SECTION MAKES AGGREGATE EXPENDITURES OF
29 \$10,000 OR MORE IN AN ELECTION CYCLE, THE POLITICAL COMMITTEE SHALL
30 FILE A CAMPAIGN FINANCE REPORT.

1 **(F) A POLITICAL COMMITTEE THAT FILES A CAMPAIGN FINANCE**
2 **REPORT UNDER SUBSECTION (E) OF THIS SECTION SHALL FILE AN ADDITIONAL**
3 **CAMPAIGN FINANCE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE**
4 **POLITICAL COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR**
5 **MORE FOLLOWING THE CLOSING DATE OF THE POLITICAL COMMITTEE'S**
6 **PREVIOUS CAMPAIGN FINANCE REPORT.**

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

12 **(1) \$1,000 FOR EACH DAY OR PART OF A DAY THAT A CAMPAIGN**
13 **FINANCE REPORT OR AN AMENDED CAMPAIGN FINANCE REPORT IS OVERDUE;**
14 **OR**

15 **(2) 10% OF THE AMOUNT OF THE CONTRIBUTIONS OR**
16 **EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY MANNER.**

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

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

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

24 **(2) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

25 13-327.

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

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

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

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

6 13–331.

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

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

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

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

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

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

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

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

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

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

4 13-340.

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

10 **13-505.**

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

15 **(B) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER**
16 **SUBSECTION (A) OF THIS SECTION:**

17 **(1) SHALL PROVIDE FOR PARTICIPATION OF CANDIDATES IN**
18 **PUBLIC CAMPAIGN FINANCING ON A STRICTLY VOLUNTARY BASIS;**

19 **(2) MAY NOT REGULATE CANDIDATES WHO CHOOSE NOT TO**
20 **PARTICIPATE IN PUBLIC CAMPAIGN FINANCING;**

21 **(3) SHALL PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING**
22 **FOR ANY CAMPAIGN EXCEPT A CAMPAIGN FOR COUNTY ELECTIVE OFFICE;**

23 **(4) SHALL REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC**
24 **CAMPAIGN FINANCING TO:**

25 **(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR**
26 **THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND**

27 **(II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY**
28 **ONLY FOR THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE;**

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

1 **(I) TO THE CAMPAIGN FINANCE ENTITY ESTABLISHED TO**
2 **FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE FROM ANY OTHER**
3 **CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; AND**

4 **(II) FROM THE CAMPAIGN FINANCE ENTITY ESTABLISHED**
5 **TO FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE TO ANY OTHER**
6 **CAMPAIGN FINANCE ENTITY;**

7 **(6) SHALL PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY**
8 **ELECTIVE OFFICES THAT IS ADMINISTERED BY THE CHIEF FINANCIAL OFFICER**
9 **OF THE COUNTY; AND**

10 **(7) SHALL BE SUBJECT TO REGULATION AND OVERSIGHT BY THE**
11 **STATE BOARD TO ENSURE CONFORMITY WITH STATE LAW AND POLICY TO THE**
12 **EXTENT PRACTICABLE.**

13 **(C) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER**
14 **SUBSECTION (A) OF THIS SECTION MAY:**

15 **(1) PROVIDE FOR MORE STRINGENT REGULATION OF CAMPAIGN**
16 **FINANCE ACTIVITY BY CANDIDATES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN**
17 **FINANCING, INCLUDING CONTRIBUTIONS, EXPENDITURES, REPORTING, AND**
18 **CAMPAIGN MATERIAL, THAN IS PROVIDED FOR BY STATE LAW; AND**

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

21 **13-604.1.**

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

24 **(1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN**
25 **§ 13-218(B)(2), (C), AND (D) OF THIS TITLE;**

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

28 **(3) MAKING A DISBURSEMENT BY A METHOD NOT AUTHORIZED IN**
29 **§ 13-220(D) OF THIS TITLE;**

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

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

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

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

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

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

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

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

18 **(2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS**
19 **WITH WHICH TO PAY THE CIVIL PENALTY IN A TIMELY MANNER, THE CIVIL**
20 **PENALTY IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE**
21 **OFFICERS.**

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

26 **(F) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE**
27 **STATE BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION**
28 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

29 **(G) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN**
30 **ACCORDANCE WITH THE MARYLAND RULES.**

31 **(H) THE CITATION SHALL CONTAIN:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **(K) (1) IF A PERSON CHARGED IN A CITATION FAILS TO PAY THE**
29 **PENALTY BY THE DATE OF PAYMENT SET FORTH IN THE CITATION AND FAILS TO**

1 DELIVER TO THE STATE BOARD THE WRITTEN NOTICE OF INTENT TO STAND
2 TRIAL, THE PERSON IS LIABLE FOR THE ASSESSED PENALTY.

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

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

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

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

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

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

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

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

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

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

33 (O) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

1 (1) IS NOT A CRIMINAL CONVICTION; AND

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

4 (P) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION
5 UNDER THIS SECTION:

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

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

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

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

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

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

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

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

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

29 (2) THE GOOD FAITH OF THE VIOLATOR; AND

30 (3) ANY HISTORY OF PRIOR VIOLATIONS.

1 **(R) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE**
2 **DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

3 14–101.

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

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

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

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

12 (e) “Contract” [includes a sale, purchase, lease, or other agreement] **MEANS**
13 **A PROCUREMENT CONTRACT AS DEFINED IN § 11–101(N) OF THE STATE**
14 **FINANCE AND PROCUREMENT ARTICLE THAT IS AWARDED BY ANY**
15 **GOVERNMENTAL ENTITY.**

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

18 (2) “Contribution” does not include:

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

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

23 **(G) “DIRECTOR” MEANS A MEMBER OF THE BOARD OF DIRECTORS OF A**
24 **BUSINESS ENTITY.**

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

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

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

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

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

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

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

13 14–102.

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

18 14–103.

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

21 14–104.

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

24 (b) (1) When a contract is **[made] AWARDED** that causes a person to be
25 doing public business, an initial statement shall be filed¹:

26 (i) at that time, covering the preceding 24 months¹, if the
27 person has made an applicable contribution within that period; or

28 (ii) if item (i) of this paragraph does not apply, but the person
29 subsequently makes an applicable contribution during a reporting period specified in
30 paragraph (2) of this subsection, as required by that paragraph¹.

31 (2) (i) A person **WHO FILES AN INITIAL STATEMENT UNDER**
32 **PARAGRAPH (1) OF THIS SUBSECTION** shall file a semi–annual statement in

1 accordance with this paragraph for each reporting period specified in subparagraph (ii)
2 of this paragraph [in which the person has made an applicable contribution] if[:

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

5 2. the person is doing public business].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **[(e)]** The State Board shall prescribe and make available forms for the
13 statements required by this section.]

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

16 14–105.

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

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

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

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

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

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

3 (f) (1) In this subsection:

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

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

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

18 (3) This subsection does not apply if:

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

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

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

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

27 **(II) APPLICABLE CONTRIBUTIONS MADE BY THE PERSON OR**
28 **ATTRIBUTED TO THE PERSON.**

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

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

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

1 14-106.

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

5 14-107.

6 **(A) (1) A GOVERNMENTAL ENTITY THAT HAS AWARDED A PERSON A**
7 **CONTRACT THAT CAUSES THE PERSON TO BE DOING PUBLIC BUSINESS SHALL**
8 **VERIFY THAT THE PERSON HAS FILED THE STATEMENT REQUIRED UNDER §**
9 **14-104(B)(1) OF THIS TITLE BEFORE ALLOWING THE PERSON TO BEGIN**
10 **PERFORMANCE OF THE CONTRACT.**

11 **(2) A GOVERNMENTAL ENTITY SHALL NOTIFY THE STATE BOARD**
12 **IF A PERSON DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY FAILS**
13 **TO FILE THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF THIS TITLE.**

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

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

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

23 **(I) A STATEMENT REQUIRED UNDER § 14-104 OF THIS**
24 **TITLE; OR**

25 **(II) AN AMENDED STATEMENT REQUIRED UNDER**
26 **SUBSECTION (B) OF THIS SECTION.**

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

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

