

SENATE BILL 755

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5lr2542

By: **Senator Simonaire**

Introduced and read first time: February 16, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance – Central Committee Candidates**

3 FOR the purpose of providing that a certain provision of law relating to campaign finance
4 entities does not apply to certain candidates for election to the central committee of
5 a political party; requiring certain candidates for election to the central committee
6 of a political party to keep a certain account book, preserve the account book for
7 certain purposes and for a certain period of time, and file a certain affidavit with the
8 certificate of candidacy; requiring a candidate for election to the central committee
9 of a political party to pay a certain civil penalty under certain circumstances;
10 specifying that a certain civil penalty is a civil offense; requiring certain individuals
11 to issue a certain civil citation; requiring that the citation be served in a certain
12 manner; requiring the District Court, on receipt of a certain citation, to schedule a
13 certain trial and notify a certain candidate of certain information; requiring the
14 District Court to conduct a certain trial in a certain manner and remit certain fees
15 to the State Board of Elections; providing that an adjudication of a certain violation
16 is not a criminal conviction; providing that a certain candidate is liable for certain
17 costs; authorizing the District Court, under certain circumstances, to dismiss a
18 certain citation or enter a certain civil judgment; and generally relating to campaign
19 finance requirements related to candidates for election to the central committee of a
20 political party.

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 13–202 and 13–221
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2014 Supplement)

26 BY adding to
27 Article – Election Law
28 Section 13–305.1 and 13–604.2
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

13–202.

**(A) THIS SECTION DOES NOT APPLY TO A CANDIDATE FOR ELECTION TO THE
CENTRAL COMMITTEE OF A POLITICAL PARTY IF THE CANDIDATE DURING AN
ELECTION CYCLE DOES NOT:**

(1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR

(2) ACCEPT CONTRIBUTIONS.

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

[(b)] (C) An individual may not file a certificate of candidacy or a declaration of intent under § 5–703 or § 5–703.1 of this article until the individual establishes, or causes to be established, an authorized candidate campaign committee.

13–221.

(a) (1) The treasurer of a campaign finance entity shall keep a detailed and accurate account book of all assets received, expenditures made, and obligations incurred by or on behalf of the entity.

(2) Except as provided in § 13–240 of this subtitle, as to each asset received or expenditure made, the account book shall state:

(i) its amount or value;

(ii) the date of the receipt or expenditure;

(iii) the name and address of the person from whom the asset was received or to whom the expenditure was made; and

(iv) a description of the asset received or the purpose for which the expenditure was made.

(3) (i) To the extent practicable, the treasurer of a campaign finance entity shall record the occupation and employer of an individual who makes contributions

1 to the campaign finance entity in a cumulative amount of \$500 or more during an election
2 cycle.

3 (ii) The State Board shall:

4 1. promptly provide notice to the treasurer of a campaign
5 finance entity if a contributor included on a campaign finance report submitted by the
6 treasurer has made contributions to the campaign finance entity in a cumulative amount
7 of \$500 or more during the election cycle; and

8 2. require a standard response that a treasurer shall include
9 in the campaign finance report if a contributor does not supply the information required
10 concerning the contributor's occupation and employer.

11 (4) Each expenditure made from a campaign account shall be supported by
12 a receipt.

13 (b) The account books and related records of a campaign finance entity shall be
14 preserved until the earlier of:

15 (1) 10 years after the creation of an account book entry or related record;
16 or

17 (2) 2 years after the campaign finance entity files a final campaign finance
18 report under Subtitle 3 of this title.

19 (C) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A
20 POLITICAL PARTY WHO IS EXEMPT FROM § 13-202 OF THIS SUBTITLE SHALL:

21 (1) KEEP A DETAILED AND ACCURATE ACCOUNT BOOK OF ALL
22 EXPENDITURES MADE BY THE CANDIDATE; AND

23 (2) PRESERVE THE ACCOUNT BOOK REQUIRED UNDER ITEM (1) OF
24 THIS SUBSECTION FOR AUDITING PURPOSES UNTIL 2 YEARS AFTER THE END OF THE
25 ELECTION CYCLE.

26 **13-305.1.**

27 A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL
28 PARTY WHO IS EXEMPT FROM § 13-202(A) OF THIS TITLE SHALL FILE WITH THE
29 CERTIFICATE OF CANDIDACY AN AFFIDAVIT STATING THAT THE CANDIDATE DURING
30 THE ELECTION CYCLE WILL NOT:

31 (1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR

1 **(2) ACCEPT CONTRIBUTIONS.**

2 **13-604.2.**

3 **(A) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A**
4 **POLITICAL PARTY SHALL PAY A CIVIL PENALTY OF \$1,000 IN ACCORDANCE WITH**
5 **SUBSECTIONS (B) THROUGH (F) OF THIS SECTION IF THE CANDIDATE:**

6 **(1) IS NOT EXEMPT FROM § 13-202 OF THIS TITLE AND FAILS TO**
7 **CONDUCT CAMPAIGN FINANCE ACTIVITY THROUGH A CAMPAIGN FINANCE ENTITY;**
8 **OR**

9 **(2) VIOLATES § 13-221(C) OR § 13-305.1 OF THIS TITLE.**

10 **(B) (1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH**
11 **JURISDICTION DETERMINES THAT A CANDIDATE IS REQUIRED TO PAY A CIVIL**
12 **PENALTY UNDER SUBSECTION (A) OF THIS SECTION, THE STATE PROSECUTOR, THE**
13 **STATE'S ATTORNEY, OR BOTH SHALL ISSUE TO THE CANDIDATE A CIVIL CITATION**
14 **THAT CONTAINS:**

15 **(I) THE NAME AND ADDRESS OF THE CANDIDATE CITED;**

16 **(II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;**

17 **(III) THE MANNER IN WHICH THE VIOLATION OCCURRED;**

18 **(IV) THE PENALTY FOR THE VIOLATION;**

19 **(V) THE MANNER AND TIME IN WHICH TO PAY THE PENALTY;**

20 **(VI) WHERE TO PAY THE PENALTY; AND**

21 **(VII) A STATEMENT THAT THE CANDIDATE RECEIVING THE**
22 **CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.**

23 **(2) THE PROSECUTING AUTHORITY WHO ISSUES A CITATION UNDER**
24 **PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE THE CITATION IN THE DISTRICT**
25 **COURT.**

26 **(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE**
27 **MARYLAND RULES.**

1 **(D) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT**
2 **SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE CANDIDATE NAMED IN THE**
3 **CITATION OF THE TRIAL DATE.**

4 **(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN**
5 **THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108,**
6 **6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.**

7 **(3) THE DISTRICT COURT SHALL REMIT TO THE STATE BOARD ALL**
8 **LATE FEES COLLECTED.**

9 **(4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:**

10 **(I) IS NOT A CRIMINAL CONVICTION; AND**

11 **(II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES**
12 **THAT ARISE FROM A CRIMINAL CONVICTION.**

13 **(E) A CANDIDATE WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A**
14 **CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE**
15 **COST OF THE DISTRICT COURT PROCEEDINGS.**

16 **(F) IF A CANDIDATE WHO HAS BEEN SERVED WITH A CITATION FAILS TO**
17 **APPEAR FOR TRIAL, THE DISTRICT COURT, AT THE REQUEST OF THE PROSECUTOR,**
18 **MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE**
19 **CANDIDATE:**

20 **(1) IN FAVOR OF THE STATE BOARD;**

21 **(2) IN ACCORDANCE WITH THE MARYLAND RULES; AND**

22 **(3) IN AN AMOUNT OF \$1,000 AND ANY LATE FEES OWED TO THE**
23 **STATE BOARD.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.