

SENATE BILL 755

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5lr2542

By: **Senator Simonaire**

Introduced and read first time: February 16, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 27, 2015

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2014 Supplement)

3 BY adding to
4 Article – Election Law
5 Section 13–305.1 and 13–604.2
6 Annotated Code of Maryland
7 (2010 Replacement Volume and 2014 Supplement)

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

10 **Article – Election Law**

11 13–202.

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

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

16 **(2) ACCEPT CONTRIBUTIONS.**

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

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

23 13–221.

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

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

29 (i) its amount or value;

30 (ii) the date of the receipt or expenditure;

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

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

5 (3) (i) To the extent practicable, the treasurer of a campaign finance
6 entity shall record the occupation and employer of an individual who makes contributions
7 to the campaign finance entity in a cumulative amount of \$500 or more during an election
8 cycle.

9 (ii) The State Board shall:

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

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

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

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

21 (1) 10 years after the creation of an account book entry or related record;
22 or

23 (2) 2 years after the campaign finance entity files a final campaign finance
24 report under Subtitle 3 of this title.

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

27 **(1) KEEP A DETAILED AND ACCURATE ACCOUNT BOOK OF ALL**
28 **EXPENDITURES MADE BY THE CANDIDATE; AND**

29 **(2) PRESERVE THE ACCOUNT BOOK REQUIRED UNDER ITEM (1) OF**
30 **THIS SUBSECTION FOR AUDITING PURPOSES UNTIL 2 YEARS AFTER THE END OF THE**
31 **ELECTION CYCLE.**

32 **13-305.1.**

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

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

6 **(2) ACCEPT CONTRIBUTIONS.**

7 **13-604.2.**

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

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

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

15 **(B) (1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH**
16 **JURISDICTION DETERMINES THAT A CANDIDATE IS REQUIRED TO PAY A CIVIL**
17 **PENALTY UNDER SUBSECTION (A) OF THIS SECTION, THE STATE PROSECUTOR, THE**
18 **STATE'S ATTORNEY, OR BOTH SHALL ISSUE TO THE CANDIDATE A CIVIL CITATION**
19 **THAT CONTAINS:**

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

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

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

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

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

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

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

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

4 **(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE**
5 **MARYLAND RULES.**

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

9 **(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN**
10 **THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108,**
11 **6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.**

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

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

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

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

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

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

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

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

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

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