

HOUSE BILL 1230

G1

6lr2373

By: **Delegates Turner, Branch, Hixson, Jones, Kaiser, Moon, Morhaim, and Platt**
Introduced and read first time: February 12, 2016
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Campaign Finance Election Law – Departmental Secretaries – Solicitation of~~
3 ~~Contributions or Donations~~ Political Activity

4 FOR the purpose of ~~prohibiting a secretary of a principal department of the Executive~~
5 ~~Branch of State government from soliciting contributions or donations from an entity~~
6 ~~doing business with the State or a director or an officer of an entity doing business~~
7 ~~with the State; defining certain terms; and generally relating to prohibiting~~
8 ~~departmental secretaries from soliciting contributions or donations from certain~~
9 ~~persons~~ prohibiting a secretary of a principal department of the Executive Branch of
10 State government from soliciting, accepting, transmitting, or depositing in a
11 campaign account contributions or donations for the benefit of a candidate or
12 political party; prohibiting a secretary of a principal department of the Executive
13 Branch of State government from being a candidate for a public elective office while
14 serving as secretary; requiring a campaign finance entity or other entity that
15 receives a contribution or donation as a result of a violation of this Act to refund the
16 contribution or donation to the contributor or donor; authorizing the State Board of
17 Elections to impose a civil penalty on a campaign finance entity or other entity that
18 receives a contribution or donation as a result of a violation of this Act; requiring a
19 civil penalty under this Act to be distributed to the Fair Campaign Financing Fund;
20 providing that a secretary of a principal department of the Executive Branch of State
21 government who violates this Act shall be considered to have violated a certain
22 provision of the Maryland Public Ethics Law; defining certain terms; and generally
23 relating to prohibiting departmental secretaries from engaging in certain political
24 activities.

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 BY adding to
 2 Article – Election Law
 3 Section 13–244
 4 Annotated Code of Maryland
 5 (2010 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – General Provisions
 8 Section 5–506
 9 Annotated Code of Maryland
 10 (2014 Volume and 2015 Supplement)

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

13 **Article – Election Law**

14 **13–244.**

15 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 16 ~~INDICATED.~~

17 ~~(2) “DIRECTOR” HAS THE MEANING STATED IN § 14 101 OF THIS~~
 18 ~~ARTICLE.~~

19 ~~(3) “ENTITY DOING BUSINESS WITH THE STATE” HAS THE MEANING~~
 20 ~~STATED IN § 5 101 OF THE GENERAL PROVISIONS ARTICLE.~~

21 ~~(4) “OFFICER” HAS THE MEANING STATED IN § 14 101 OF THIS~~
 22 ~~ARTICLE.~~

23 ~~(5) “SOLICIT” INCLUDES THE AUTHORIZED USE OF THE NAME OR~~
 24 ~~IMAGE OF A SECRETARY IN CAMPAIGN MATERIAL.~~

25 ~~(B) A SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE~~
 26 ~~BRANCH OF STATE GOVERNMENT MAY NOT SOLICIT CONTRIBUTIONS OR~~
 27 ~~DONATIONS FOR THE BENEFIT OF A CANDIDATE FROM:~~

28 ~~(1) AN ENTITY DOING BUSINESS WITH THE STATE; OR~~

29 ~~(2) A DIRECTOR OR AN OFFICER OF AN ENTITY DOING BUSINESS WITH~~
 30 ~~THE STATE.~~

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

1 **(2) "SECRETARY" MEANS A SECRETARY OF A PRINCIPAL**
2 **DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

3 **(3) "SOLICIT" INCLUDES:**

4 **(I) THE AUTHORIZED USE OF THE NAME, IMAGE, OR TITLE OF A**
5 **SECRETARY IN CAMPAIGN MATERIAL; OR**

6 **(II) BEING A FEATURED SPEAKER AT A CAMPAIGN FUNDRAISING**
7 **EVENT.**

8 **(B) A SECRETARY MAY NOT:**

9 **(1) SOLICIT, ACCEPT, TRANSMIT, OR DEPOSIT IN A CAMPAIGN**
10 **ACCOUNT CONTRIBUTIONS OR DONATIONS FOR THE BENEFIT OF A CANDIDATE OR**
11 **POLITICAL PARTY; OR**

12 **(2) BE A CANDIDATE FOR A PUBLIC ELECTIVE OFFICE WHILE SERVING**
13 **AS SECRETARY.**

14 **(C) THIS SECTION DOES NOT PROHIBIT A SECRETARY FROM:**

15 **(1) MAKING A PERSONAL POLITICAL CONTRIBUTION;**

16 **(2) INFORMING ANY PERSON OF A POSITION TAKEN BY A CANDIDATE**
17 **OR OFFICIAL; OR**

18 **(3) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY PROHIBITED**
19 **UNDER SUBSECTION (B) OF THIS SECTION.**

20 **(D) (1) A CAMPAIGN FINANCE ENTITY OR OTHER ENTITY THAT RECEIVES**
21 **A CONTRIBUTION OR DONATION AS A RESULT OF A VIOLATION OF THIS SECTION:**

22 **(I) SHALL REFUND THE CONTRIBUTION OR DONATION TO THE**
23 **CONTRIBUTOR OR DONOR; AND**

24 **(II) MAY BE ASSESSED A CIVIL PENALTY AS PROVIDED IN**
25 **PARAGRAPH (2) OF THIS SUBSECTION.**

26 **(2) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON A CAMPAIGN**
27 **FINANCE ENTITY OR OTHER ENTITY THAT RECEIVES A CONTRIBUTION OR DONATION**
28 **AS A RESULT OF A VIOLATION OF THIS SECTION:**

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

3 (II) IN AN AMOUNT NOT EXCEEDING THE SUM OF \$1,000 PLUS
4 THE AMOUNT OF THE CONTRIBUTION OR DONATION.

5 (3) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE
6 DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §
7 15-103 OF THIS ARTICLE.

8 Article – General Provisions

9 5-506.

10 (a) An official or employee may not intentionally use the prestige of office or public
11 position for that official’s or employee’s private gain or that of another.

12 (b) The performance of usual and customary constituent services, without
13 additional compensation, is not prohibited under subsection (a) of this section.

14 (C) A SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE
15 BRANCH OF STATE GOVERNMENT WHO VIOLATES § 13-244 OF THE ELECTION LAW
16 ARTICLE SHALL BE CONSIDERED TO HAVE VIOLATED SUBSECTION (A) OF THIS
17 SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.