

SENATE BILL 973

G1

6lr2374

By: **Senators Madaleno and Conway**

Introduced and read first time: February 11, 2016

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 19, 2016

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Campaign Finance – Public Officials Election Law – Departmental Secretaries –~~
3 **Solicitation of Contributions or Donations**

4 FOR the purpose of prohibiting a ~~public official from soliciting, transmitting, or depositing~~
5 ~~in a campaign account contributions or donations for the benefit of a candidate from~~
6 ~~a person subject to the regulatory authority of the public official's governmental unit,~~
7 ~~defining certain terms; and generally relating to prohibiting public officials secretary~~
8 of a principal department of the Executive Branch of State government from
9 soliciting, transmitting, or depositing in a campaign account certain contributions or
10 donations; requiring a campaign finance entity or other entity that receives a
11 contribution or donation as a result of a violation of this Act to refund the
12 contribution or donation to the contributor or donor; authorizing the State Board of
13 Elections to impose a civil penalty on a campaign finance entity or other entity that
14 knowingly receives a contribution or donation as a result of a violation of this Act;
15 authorizing the State Board to impose a civil penalty on a secretary of a principal
16 department of the Executive Branch of State government that engages in campaign
17 fundraising activity prohibited by this Act; requiring a civil penalty under this Act
18 to be distributed to the Fair Campaign Financing Fund; and generally relating to
19 prohibiting departmental secretaries in the Executive Branch of State government
20 from engaging in certain campaign fund-raising activities.

21 BY adding to

22 Article – Election Law

23 Section 13–244

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 2015 Supplement)

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

5 **Article – Election Law**

6 **13-244.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) (I) “DONATION”, AS TO AN INDEPENDENT EXPENDITURE, HAS
10 THE MEANING STATED IN § 13-306 OF THIS TITLE.

11 (II) “DONATION”, AS TO AN ELECTIONEERING
12 COMMUNICATION, HAS THE MEANING STATED IN § 13-307 OF THIS TITLE.

13 ~~(2) (3) “GOVERNMENTAL UNIT” MEANS A DEPARTMENT, AN~~
14 ~~AGENCY, AN OFFICE, OR ANY OTHER BODY OF THE EXECUTIVE BRANCH OF STATE~~
15 ~~GOVERNMENT THAT IS ESTABLISHED BY LAW MEANS A PRINCIPAL DEPARTMENT OF~~
16 THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SET FORTH IN § 8-201(B) OF
17 THE STATE GOVERNMENT ARTICLE.

18 ~~(3) (I) “PUBLIC OFFICIAL” MEANS THE HEAD OF A~~
19 ~~GOVERNMENTAL UNIT.~~

20 ~~(II) “PUBLIC OFFICIAL” DOES NOT INCLUDE AN OFFICIAL~~
21 ~~ELECTED BY THE VOTERS UNDER THE MARYLAND CONSTITUTION.~~

22 (4) “REGULATORY AUTHORITY” INCLUDES THE AUTHORITY TO
23 LICENSE, CERTIFY, OR IMPOSE STATUTORY CIVIL OR CRIMINAL PENALTIES.

24 (5) “SECRETARY” MEANS THE SECRETARY OF A GOVERNMENTAL
25 UNIT.

26 ~~(5) (6) “SOLICIT” INCLUDES THE AUTHORIZED USE OF THE NAME~~
27 ~~OR IMAGE OF A PUBLIC OFFICIAL SECRETARY IN CAMPAIGN MATERIAL.~~

28 (B) A ~~PUBLIC OFFICIAL~~ SECRETARY MAY NOT SOLICIT, TRANSMIT, OR
29 DEPOSIT IN A CAMPAIGN ACCOUNT CONTRIBUTIONS OR DONATIONS FOR THE
30 BENEFIT OF A CANDIDATE FROM A PERSON SUBJECT TO THE REGULATORY
31 AUTHORITY OF THE ~~PUBLIC OFFICIAL’S~~ SECRETARY’S GOVERNMENTAL UNIT.

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

3 **(I) SHALL REFUND THE CONTRIBUTION OR DONATION TO THE**
4 **CONTRIBUTOR OR DONOR; AND**

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

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

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

12 **(II) FOR EACH VIOLATION, IN AN AMOUNT NOT EXCEEDING THE**
13 **SUM OF \$1,000 PLUS THE AMOUNT OF THE CONTRIBUTION OR DONATION.**

14 **(D) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON A SECRETARY**
15 **WHO VIOLATES THIS SECTION:**

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

17 **(2) FOR EACH VIOLATION, IN AN AMOUNT NOT EXCEEDING \$1,000.**

18 **(E) A CIVIL PENALTY IMPOSED UNDER SUBSECTION (C) OR (D) OF THIS**
19 **SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND**
20 **ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.