

HOUSE BILL 529

G1

71r0079

By: **Chair, Ways and Means Committee (By Request – Departmental – State Board of Elections)**

Introduced and read first time: January 30, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Political Parties, Candidacy, and Campaign Finance**

3 FOR the purpose of altering the required provisions to be included in the constitution and
4 bylaws of political parties; altering the date by which certain candidates for public
5 office must file a declaration of intent; ~~altering the types of statements a~~
6 ~~governmental entity must require certain persons to file; repealing an exemption,~~
7 ~~applicable to certain contract awardees, from the filing of certain statements;~~
8 altering the number of petition signatures a candidate who seeks nomination by
9 petition must file to appear on the general election ballot; repealing the requirement
10 that a governmental entity notify the State Board of Elections if a person doing
11 public business with the governmental entity fails to file a statement under a certain
12 provision of law; requiring a governmental entity that has awarded a person a
13 contract that causes the person to be doing public business to provide the State Board
14 with certain information; authorizing the governmental entity to comply with a
15 certain provision of this Act by sending a certain quarterly report to the State Board;
16 requiring that the quarterly report include the required information for certain
17 persons and be submitted by a certain date; repealing an exemption from certain
18 requirements for a contract for which notice of award has been posted on eMaryland
19 Marketplace; specifying a certain report a gubernatorial ticket must file to qualify to
20 receive public contributions from the Fair Campaign Financing Fund; altering a
21 certain definition; defining a certain term; and generally relating to political parties,
22 candidacy, and campaign finance.

23 BY adding to

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 Article – Election Law
 2 Section 1–101(l–1)
 3 Annotated Code of Maryland
 4 (2010 Replacement Volume and 2016 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Election Law
 7 Section 1–101(bb), 4–204, 5–703, 5–703.1, 14–107, and 15–104
 8 Annotated Code of Maryland
 9 (2010 Replacement Volume and 2016 Supplement)

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

12 **Article – Election Law**

13 1–101.

14 **(L–1) (1) “CENTRAL COMMITTEE” MEANS A POLITICAL COMMITTEE FOR A**
 15 **POLITICAL PARTY ESTABLISHED UNDER TITLE 4 OF THIS ARTICLE.**

16 **(2) “CENTRAL COMMITTEE” INCLUDES A POLITICAL COMMITTEE FOR**
 17 **A POLITICAL PARTY THAT ENGAGES IN CAMPAIGN FINANCE ACTIVITY THAT IS**
 18 **SUBJECT TO TITLE 13 OF THIS ARTICLE.**

19 (bb) (1) “Independent expenditure” means [an expenditure] **A GIFT,**
 20 **TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY OR A THING OF VALUE** by a
 21 person expressly advocating the success or defeat of a clearly identified candidate or ballot
 22 issue if the [expenditure] **GIFT, TRANSFER, DISBURSEMENT, OR PROMISE OF MONEY**
 23 **OR A THING OF VALUE** is not made in coordination, **COOPERATION, CONSULTATION,**
 24 **UNDERSTANDING, AGREEMENT, OR CONCERT** with, or at the request or suggestion of, a
 25 candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot
 26 issue committee.

27 (2) For purposes of this subsection, “clearly identified” means:

28 (i) the name of the candidate appears;

29 (ii) a photograph or drawing of the candidate appears; or

30 (iii) the identity of the candidate or ballot issue is apparent by
 31 unambiguous reference.

32 4–204.

1 (a) Except as otherwise provided in this article, each political party shall adopt
2 and be governed by a constitution and all bylaws and rules adopted in accordance with the
3 constitution.

4 (b) (1) The constitution and bylaws of each political party shall provide:

5 (i) for such matters as in its opinion are necessary for the proper
6 conduct of party affairs;

7 (ii) for the selection of a State governing body;

8 (iii) for the calling of regular meetings, advance notification of
9 meetings, and special notice for special meetings;

10 (iv) for the establishment of a quorum;

11 (v) a method of amending the political party's constitution and
12 bylaws;

13 (vi) procedures for filling a vacancy in a nomination for public office;

14 (vii) for a principal political party, for the convening of a meeting of
15 the central committee within 45 days after the primary election in each gubernatorial
16 election year;

17 (viii) [if the political party is required to nominate its candidates by
18 petition] **FOR A POLITICAL PARTY THAT IS NOT A PRINCIPAL POLITICAL PARTY,**
19 **procedures for [determining which of two or more party members who qualify for**
20 **nomination in the same contest shall be designated on the ballot as nominees of the political**
21 **party] SELECTING NOMINEES FOR A PUBLIC OFFICE; and**

22 (ix) for the adoption of rules governing the political party.

23 (2) The Republican Party State Central Committee may adopt provisions
24 in its constitution and bylaws providing for the removal of members of the Republican State
25 Central Committee who fail to discharge the minimum responsibilities of a State central
26 committee member.

27 (c) (1) In accordance with the constitution and bylaws of a principal political
28 party, the central committee of that party for each county shall adopt a constitution,
29 bylaws, and rules.

30 (2) Until a central committee adopts a constitution, bylaws, and rules, the
31 central committee shall be governed by the State central committee.

1 (d) (1) Within 30 days after the adoption or amendment by a political party of
2 a constitution, bylaw, or rule, the political party shall file a copy of the constitution, bylaw,
3 or rule with the State Board.

4 (2) Within 30 days after the adoption or amendment by a central committee
5 of any county of a constitution, bylaw, or rule, the local central committee shall file a copy
6 of the constitution, bylaw, or rule with the State central committee and the State Board.

7 (e) (1) The constitution and bylaws adopted by a new political party shall
8 conform to the requirements of subsections (a), (b), and (c)(1) of this section.

9 (2) If a new political party decides to form local central committees, the
10 political party shall notify the State Board of the number and size of the local central
11 committees within 6 months after the date the State Board notified the political party that
12 it is considered a State political party.

13 5-703.

14 (a) Except for a candidate for a nonpartisan county board of education, this
15 section applies to any candidate for public office subject to this title.

16 (b) A candidate for a public office may be nominated by petition under this
17 subtitle if the candidate is not affiliated with any political party.

18 (c) (1) A candidate for public office who seeks nomination by petition shall file
19 a declaration of intent to seek nomination by petition.

20 (2) The declaration of intent shall be filed with the board at which the
21 candidate files a certificate of candidacy under Subtitle 3 of this title.

22 (3) The declaration of intent shall be filed as follows:

23 (i) [in a year in which the Governor is elected, by the date and time
24 specified for a candidate to file a certificate of candidacy;

25 (ii) in a year in which the President and Mayor of Baltimore City are
26 elected, by the date and time specified for a candidate to file a certificate of candidacy] **NOT**
27 **LATER THAN THE FIRST MONDAY IN JULY;** and

28 [(iii)] **(II)** for a special election to fill a vacancy for Representative in
29 Congress, by the date and time specified [for a candidate to file a certificate of candidacy]
30 in the Governor's proclamation.

31 (4) A candidate who seeks nomination by petition may not be charged a fee
32 for filing the declaration of intent.

1 (d) (1) A candidate for public office who seeks nomination by petition shall file
2 a certificate of candidacy not later than 5 p.m. on the first Monday in August in the year of
3 the general election for the office.

4 (2) Except for the time of filing, the certificate of candidacy for a candidate
5 who seeks nomination by petition shall comply with the requirements for a certificate of
6 candidacy under Subtitle 3 of this title.

7 (e) (1) A candidate who seeks nomination by petition may not have the
8 candidate's name placed on the general election ballot unless the candidate files with the
9 appropriate board petitions signed by ~~not less than~~ **THE LESSER OF 10,000 REGISTERED**
10 **VOTERS OR** 1% of the total number of registered voters who are eligible to vote for the
11 office for which the nomination by petition is sought, except that the petitions shall be
12 signed by at least 250 registered voters who are eligible to vote for the office.

13 (2) The petitions shall be filed as required in Title 6 of this article.

14 (3) The number of registered voters required to satisfy the requirements of
15 paragraph (1) of this subsection shall be determined as of January 1 of the year of the
16 primary election for which the nomination is sought.

17 (f) (1) Except as provided in paragraph (2) of this subsection, a petition that
18 contains the required number of signatures specified under subsection (e)(1) of this section
19 shall be filed with the appropriate board by 5 p.m. on the first Monday in August in the
20 year in which the general election is held.

21 (2) In a special election to fill a vacancy in the office of Representative in
22 Congress, a petition that contains the required number of signatures shall be filed with the
23 State Board by 5 p.m. on the day of the special primary election.

24 5-703.1.

25 (a) Except for a candidate for a nonpartisan county board of education, this
26 section applies to any candidate for public office subject to this title.

27 (b) A candidate for a public office may be nominated by a political party under
28 this subtitle if the political party is not required to nominate its candidates by party
29 primary.

30 (c) (1) A candidate for public office who seeks political party nomination under
31 this section shall file a declaration of intent to seek political party nomination.

32 (2) The declaration of intent shall be filed with the board at which the
33 candidate files a certificate of candidacy under Subtitle 3 of this title.

34 (3) The declaration of intent shall be filed as follows:

1 (i) [in a year in which the Governor is elected, by the date and time
2 specified for a candidate to file a certificate of candidacy;

3 (ii) in the year in which the President and Mayor of Baltimore City
4 are elected, by the date and time specified for a candidate to file a certificate of candidacy]
5 **NOT LATER THAN THE FIRST MONDAY IN JULY;** and

6 [(iii)] **(II)** for a special election to fill a vacancy:

7 1. for Representative in Congress, by the date and time
8 specified in the Governor's proclamation [for a candidate to file a certificate of candidacy];
9 or

10 2. for a local public office, by the date and time specified in
11 the county proclamation [for a candidate to file a certificate of candidacy].

12 (4) A candidate who seeks nomination by political party may not be
13 charged a fee for filing the declaration of intent.

14 (d) (1) A candidate for public office who seeks nomination by political party
15 shall file a certificate of candidacy not later than 5 p.m. on the first Monday in August in
16 the year of the general election for the office.

17 (2) Except for the time of filing, the certificate of candidacy for a candidate
18 who seeks nomination by political party shall comply with the requirements for a certificate
19 of candidacy under Subtitle 3 of this title.

20 (e) A candidate for nomination by political party may not have the candidate's
21 name placed on the general election ballot unless the candidate files with the appropriate
22 board, on a form the State Board prescribes, a certificate of nomination signed by the
23 officers of the political party.

24 14-107.

25 (a) **(1)** [(1) Except as provided in paragraph (2) of this subsection, a] **A**
26 governmental entity that has awarded a person a contract that causes the person to be
27 doing public business shall:

28 ~~[(i)] (1) require the person to certify that the person has filed [the~~
29 ~~statement] ALL STATEMENTS required under [§ 14-104(b)(1)] **§ 14-104(B)** of this title;~~
30 ~~and~~

31 ~~[(ii)] (2) notify the State Board if a person doing public business~~
32 ~~with the governmental entity fails to file the statement under [§ 14-104(b)(1)] **§ 14-104(B)**~~
33 ~~of this title.~~

1 **(I) REQUIRE THE PERSON TO CERTIFY THAT THE PERSON HAS**
2 **FILED THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF THIS TITLE; AND**

3 **(II) PROVIDE THE STATE BOARD WITH THE PERSON'S NAME,**
4 **ADDRESS, AND ANY OTHER CONTACT INFORMATION REQUIRED BY THE STATE**
5 **BOARD.**

6 **(2) (I) A GOVERNMENTAL ENTITY MAY COMPLY WITH PARAGRAPH**
7 **(1)(II) OF THIS SUBSECTION BY SENDING TO THE STATE BOARD A QUARTERLY**
8 **REPORT ON A FORM PROVIDED BY THE STATE BOARD.**

9 **(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF**
10 **THIS PARAGRAPH SHALL:**

11 **1. INCLUDE THE REQUIRED INFORMATION FOR ANY**
12 **PERSON THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING**
13 **PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY DURING THE PRECEDING**
14 **CALENDAR QUARTER; AND**

15 **2. BE SUBMITTED TO THE STATE BOARD NO LATER**
16 **THAN 10 BUSINESS DAYS AFTER THE CLOSE OF EACH CALENDAR QUARTER.**

17 [(2) This subsection does not apply to a contract for which notice of award
18 has been posted on eMaryland Marketplace.]

19 (b) (1) If a person files a statement under § 14-104 of this title that does not
20 include all the information required, the State Board shall notify the person in writing of
21 the particular deficiencies.

22 (2) Within 30 days after service of the notice under paragraph (1) of this
23 subsection, the person shall file an amended statement that includes all the information
24 required.

25 (c) (1) As provided in this subsection, the State Board may impose fees for late
26 filing of:

27 (i) a statement required under § 14-104 of this title; or

28 (ii) an amended statement required under subsection (b) of this
29 section.

30 (2) The State Board may impose late filing fees in the same amounts and
31 in the same manner as provided under § 13-331(a) and (b) of this article for late filing of
32 campaign finance reports.

1 (3) Late filing fees imposed under this subsection shall be distributed to
2 the Fair Campaign Financing Fund established under § 15–103 of this article.

3 (d) A person who knowingly and willfully violates this title is guilty of a
4 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment
5 not exceeding 1 year or both.

6 (e) An officer or partner of a business entity who knowingly authorizes or
7 participates in a violation of this title by the business entity is subject to the penalty
8 provided in subsection (d) of this section.

9 15–104.

10 A gubernatorial ticket is qualified to receive a public contribution for an election on
11 the date specified by regulation adopted under this title if:

12 (1) the gubernatorial ticket has raised seed money;

13 (2) the seed money is refundable only if the gubernatorial ticket withdraws
14 as a gubernatorial ticket; and

15 (3) as certified by the gubernatorial ticket's treasurer on a [form prescribed
16 by the State Board] **CAMPAIGN FINANCE REPORT**, the seed money was:

17 (i) raised in accordance with this title; and

18 (ii) received after March 1 of the year immediately preceding the
19 year of that election.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.