

SENATE BILL 710

G2, G1

9lr2081
CF HB 993

By: Anne Arundel County Senators (By Request – County Executive)

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Ethics – ~~Prohibitions and Requirements Regarding~~**
3 **~~Qualifying Contributions During Pendency of Zoning Contributions and~~**
4 **Participation in Development Applications**

5 FOR the purpose of specifying that certain provisions of law may apply to certain campaign
6 contributions; authorizing the County Council of Anne Arundel County to enact a
7 local law to regulate the participation of a member of the County Council or the
8 County Executive of Anne Arundel County in any legislative action relevant to a
9 zoning change or amendment or to a certain application if the member of the County
10 Council or the County Executive accepts or has accepted, or as a candidate accepted,
11 a campaign contribution from a certain individual or business entity; authorizing the
12 County Council to enact a local law to prohibit or otherwise regulate certain
13 campaign contributions; requiring the Anne Arundel County Ethics Commission to
14 administer and implement a certain law; defining certain terms; ~~prohibiting~~
15 ~~applicants, agent of applicants, and immediate family members of the applicants and~~
16 ~~agents from making a certain qualifying payment to a certain candidate during the~~
17 ~~pendency of the application; prohibiting a certain political action committee from~~
18 ~~making a transfer to a candidate's authorized candidate campaign committee or a~~
19 ~~slate to which the candidate belongs; prohibiting a member from voting or~~
20 ~~participating in any way in the proceeding on an application under certain~~
21 ~~circumstances; providing that a member is not subject to the requirements of certain~~
22 ~~provisions of this Act under certain circumstances; requiring the applicant to file a~~
23 ~~certain affidavit under oath after the application is filed; requiring that the affidavit~~
24 ~~be filed at least a certain number of days before consideration of the application by~~
25 ~~the County Council of Anne Arundel County; requiring that a supplemental affidavit~~

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.



~~be filed whenever a qualifying contribution is made after the original affidavit was filed; providing that an applicant is not required to make certain representations in the affidavit; authorizing anyone with authority to act on behalf of and bind a business entity to execute an affidavit on behalf of the business entity; providing that the only disclosures required under the affidavit are those involving certain individuals or business entities; requiring an agent to file an affidavit in an application only under certain circumstances; requiring an agent, under certain circumstances, to disclose in the affidavit a qualifying contribution made before becoming an agent; providing that, except under certain circumstances, certain persons are subject to this Act under certain circumstances; prohibiting a person from making a qualifying contribution in violation of this Act; requiring a qualifying contribution to be returned to the person who made the qualifying contribution if the qualifying contribution is made in violation of this Act; prohibiting applicants, agents, and immediate family members of the applicants and agents from taking any action, directly or indirectly, with the intent to circumvent the intent of this Act; requiring the Anne Arundel County Ethics Commission to administer and implement the provisions of this Act; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to ethics in Anne Arundel County.~~

BY repealing and reenacting, without amendments,

Article – Election Law

Section ~~1-101(a), (e), (e), (ff), (oo), and (tt) and 13-306(a)(1) and (2)~~ 1-101(a) and (o)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 13-504.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5-104(a)

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

BY adding to

Article – General Provisions

Section 5-869 through 5-871 to be under the new part “Part XI. Special Provisions for Anne Arundel County”

Annotated Code of Maryland

(2014 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Election Law

1-101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

~~(e) “Authorized candidate campaign committee” means a political committee established under Title 13 of this article and authorized by a candidate to promote the candidate’s candidacy.~~

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question.

(2) “Contribution” includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in § 13-249 of this article.

(3) “Contribution” does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

~~(ff) “Political action committee” means a political committee that is not:~~

~~(1) a political party;~~

~~(2) a central committee;~~

~~(3) a slate;~~

~~(4) a legislative party caucus committee;~~

~~(5) an authorized candidate campaign committee; or~~

~~(6) a ballot issue committee.~~

~~(oo) "Slate" means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.~~

~~(tt) "Treasurer" means an individual appointed in accordance with Title 13, Subtitle 2 of this article.~~

~~13-306.~~

~~(a) (1) In this section the following words have the meanings indicated:~~

~~(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person who makes independent expenditures.~~

~~(ii) "Donation" does not include any amount of money or any other thing of value:~~

~~1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or~~

~~2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for independent expenditures; and~~

~~B. in the case of a monetary donation, is deposited in a separate bank account that is never used for independent expenditures.~~

~~13-504.1.~~

AS TO CONTRIBUTIONS TO THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR TO A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL OR A CANDIDATE FOR ELECTION AS THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR AS A MEMBER OF THE ANNE ARUNDEL COUNTY COUNCIL, TITLE 5, SUBTITLE 8, PART XI OF THE GENERAL PROVISIONS ARTICLE MAY APPLY.

Article – General Provisions

5-104.

(a) Except as provided in subsections (b) and (c) of this section ~~AND IN SECTION § 5-871 OF THIS TITLE~~, this title shall be administered and implemented by the Ethics Commission.

5-867. RESERVED.

1 **5-868. RESERVED.**

2 **PART XI. SPECIAL PROVISIONS FOR ANNE ARUNDEL COUNTY.**

3 **5-869.**

4 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(B) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE**
7 **OF CANDIDACY FOR:**

8 **(I) ELECTION TO THE COUNTY COUNCIL; OR**

9 **(II) COUNTY EXECUTIVE.**

10 **(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OF THE**
11 **COUNTY COUNCIL AND AN INCUMBENT COUNTY EXECUTIVE.**

12 **(C) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL**
13 **COUNTY.**

14 **(D) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE**
15 **ARUNDEL COUNTY.**

16 **5-870.**

17 **(A) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO REGULATE THE**
18 **PARTICIPATION OF A MEMBER OF THE COUNTY COUNCIL OR THE COUNTY**
19 **EXECUTIVE IN ANY LEGISLATIVE ACTION RELEVANT TO A ZONING CHANGE OR**
20 **AMENDMENT, OR TO A LAND USE APPLICATION THAT IS BEFORE THE OFFICE OF**
21 **PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS, IF**
22 **THE MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE ACCEPTS OR**
23 **HAS ACCEPTED, OR AS A CANDIDATE ACCEPTED, A CAMPAIGN CONTRIBUTION FROM**
24 **AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH THE ACTION OR**
25 **APPLICATION.**

26 **(B) THE COUNTY COUNCIL MAY ENACT A LOCAL LAW TO PROHIBIT OR**
27 **OTHERWISE REGULATE CAMPAIGN CONTRIBUTIONS MADE TO, OR FOR THE BENEFIT**
28 **OF, A MEMBER OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE, OR A**
29 **CANDIDATE FOR ELECTION TO THE COUNTY COUNCIL OR COUNTY EXECUTIVE BY**
30 **AN INDIVIDUAL OR A BUSINESS ENTITY INVOLVED WITH A LEGISLATIVE ACTION**
31 **RELEVANT TO A ZONING CHANGE OR AMENDMENT, OR TO A LAND USE APPLICATION**

1 THAT IS BEFORE THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF
 2 INSPECTIONS AND PERMITS.

3 5-871.

4 IF THE COUNTY COUNCIL ENACTS A LOCAL LAW UNDER § 5-870 OF THIS
 5 SUBTITLE, THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER
 6 AND IMPLEMENT THE PROVISIONS OF THE LOCAL LAW.

7 ~~(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS~~
 8 ~~INDICATED.~~

9 ~~(B) (1) "AGENT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY HIRED OR~~
 10 ~~RETAINED BY AN APPLICANT FOR ANY PURPOSE RELATING TO THE LAND THAT IS~~
 11 ~~THE SUBJECT OF AN APPLICATION IF THE INDIVIDUAL OR BUSINESS ENTITY IS:~~

12 ~~(I) AN ACCOUNTANT;~~

13 ~~(II) AN ATTORNEY;~~

14 ~~(III) AN ARCHITECT;~~

15 ~~(IV) AN ENGINEER;~~

16 ~~(V) A LAND USE CONSULTANT;~~

17 ~~(VI) AN ECONOMIC CONSULTANT;~~

18 ~~(VII) A REAL ESTATE AGENT;~~

19 ~~(VIII) A REAL ESTATE BROKER;~~

20 ~~(IX) A TRAFFIC CONSULTANT; OR~~

21 ~~(X) A TRAFFIC ENGINEER.~~

22 ~~(2) "AGENT" INCLUDES:~~

23 ~~(I) AS TO A CORPORATION DESCRIBED IN PARAGRAPH (1) OF~~
 24 ~~THIS SUBSECTION, ITS OFFICERS, DIRECTORS, AND MAJORITY STOCKHOLDERS WHO~~
 25 ~~ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND~~
 26 ~~DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR~~
 27 ~~ONGOING BUSINESS ACTIVITIES;~~

~~(H) AS TO A PARTNERSHIP OR LIMITED PARTNERSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS GENERAL PARTNERS AND LIMITED PARTNERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES; AND~~

~~(HH) AS TO A JOINT VENTURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE PRINCIPAL MEMBERS OF THE JOINT VENTURE WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES.~~

~~(C) (1) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS:~~

~~(I) A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A TRUSTEE THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR~~

~~(III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, BUT ONLY IF:~~

~~1. THE HOLDER OF AT LEAST A 5% INTEREST HAS SUBSTANTIVE INVOLVEMENT IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY WITH AN INTEREST IN THE LAND THAT IS THE SUBJECT OF AN APPLICATION WITH SPECIFIC REGARD TO THE DISPOSITION OF THAT LAND; OR~~

~~2. THE HOLDER OF AT LEAST A 5% INTEREST IS ENGAGED IN SUBSTANTIVE ACTIVITIES SPECIFICALLY PERTAINING TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THE BUSINESS ENTITY'S ONGOING BUSINESS ACTIVITIES.~~

~~(2) "APPLICANT" INCLUDES:~~

~~(I) ANY BUSINESS ENTITY IN WHICH A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 5% INTEREST; AND~~

~~(II) THE DIRECTORS AND OFFICERS OF A BUSINESS ENTITY THAT ACTUALLY HOLDS TITLE TO THE LAND OR IS A CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(3) "APPLICANT" DOES NOT INCLUDE:~~

~~(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR CONSTRUCTION OF IMPROVEMENTS ON ANY LAND THAT IS THE SUBJECT OF AN APPLICATION;~~

~~(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;~~

~~(III) A PUBLIC AUTHORITY;~~

~~(IV) A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION IN ANY INSTANCE WHERE THE UTILITY IS ENGAGED IN OR CONDUCTING REGULATED ACTIVITIES THAT HAVE BEEN APPROVED BY THE PUBLIC SERVICE COMMISSION OR ARE ALLOWED UNDER DIVISION I OF THE PUBLIC UTILITIES ARTICLE; OR~~

~~(V) THE DIRECTORS AND OFFICERS OF ANY ENTITY THAT DOES NOT HOLD TITLE TO THE LAND OR IS NOT THE CONTRACT PURCHASER OF THE LAND THAT IS THE SUBJECT OF AN APPLICATION.~~

~~(D) "APPLICATION" MEANS:~~

~~(1) AN APPLICATION OR A REQUEST FOR:~~

~~(I) A ZONING MAP AMENDMENT;~~

~~(II) A ZONING ORDINANCE TEXT AMENDMENT;~~

~~(III) A SPECIAL EXCEPTION;~~

~~(IV) A MODIFICATION;~~

~~(V) A REVISION TO A SPECIAL EXCEPTION OR AN ASSOCIATED SITE PLAN;~~

~~(VI) AN EXPANSION OF A LEGAL NONCONFORMING USE;~~

~~(VII) A REVISION TO A LEGAL NONCONFORMING USE OR AN ASSOCIATED SITE PLAN; OR~~

~~(VIII) A REQUEST FOR A VARIANCE FROM THE ZONING ORDINANCE, INCLUDING A REQUEST FOR A VARIANCE FROM ANY PROVISION OF ANNE ARUNDEL COUNTY'S CRITICAL AREA PROGRAM;~~

1 ~~(2) AN APPLICATION TO APPROVE:~~

2 ~~(I) A SKETCH PLAN;~~

3 ~~(II) A FINAL PLAN;~~

4 ~~(III) A PRELIMINARY PLAN;~~

5 ~~(IV) A SITE DEVELOPMENT PLAN;~~

6 ~~(V) A GRADING PERMIT ASSOCIATED WITH A SITE~~
7 ~~DEVELOPMENT PLAN;~~

8 ~~(VI) A BUILDING PERMIT ASSOCIATED WITH A SITE~~
9 ~~DEVELOPMENT PLAN; OR~~

10 ~~(VII) A PLANNED URBAN DEVELOPMENT; OR~~

11 ~~(3) PARTICIPATION IN PASSING COMPREHENSIVE REZONING~~
12 ~~LEGISLATION OR AN AMENDMENT TO COMPREHENSIVE REZONING LEGISLATION BY~~
13 ~~APPEARANCE AT A PUBLIC HEARING, FILING A STATEMENT IN THE OFFICIAL~~
14 ~~RECORD, OR OTHER SIMILAR COMMUNICATION TO A MEMBER OF THE COUNTY~~
15 ~~COUNCIL, WHERE THE INTENT IS TO INTENSIFY THE ZONING CATEGORY~~
16 ~~APPLICABLE TO THE LAND OF THE APPLICANT.~~

17 ~~(E) "AUTHORIZED CANDIDATE POLITICAL COMMITTEE" HAS THE MEANING~~
18 ~~STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.~~

19 ~~(F) "BUSINESS ENTITY" MEANS:~~

20 ~~(1) A CORPORATION;~~

21 ~~(2) A GENERAL PARTNERSHIP;~~

22 ~~(3) A JOINT VENTURE;~~

23 ~~(4) A LIMITED LIABILITY COMPANY;~~

24 ~~(5) A LIMITED PARTNERSHIP; OR~~

25 ~~(6) A SOLE PROPRIETORSHIP.~~

26 ~~(G) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE~~
27 ~~OF CANDIDACY FOR;~~

1 ~~(I) ELECTION TO THE COUNTY COUNCIL; OR~~

2 ~~(H) COUNTY EXECUTIVE.~~

3 ~~(2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OR COUNTY~~
4 ~~EXECUTIVE.~~

5 ~~(H) "CONTRIBUTION" HAS THE MEANING STATED IN § 1 101 OF THE~~
6 ~~ELECTION LAW ARTICLE.~~

7 ~~(I) "CONTRIBUTOR" MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A~~
8 ~~QUALIFYING CONTRIBUTION.~~

9 ~~(J) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL~~
10 ~~COUNTY.~~

11 ~~(K) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE~~
12 ~~ARUNDEL COUNTY.~~

13 ~~(L) "DONATION" HAS THE MEANING STATED IN § 13 306 OF THE ELECTION~~
14 ~~LAW ARTICLE.~~

15 ~~(M) "IMMEDIATE FAMILY MEMBER" MEANS:~~

16 ~~(1) A SPOUSE;~~

17 ~~(2) A CHILD;~~

18 ~~(3) A STEPCHILD;~~

19 ~~(4) A PARENT;~~

20 ~~(5) A SIBLING; OR~~

21 ~~(6) A GRANDPARENT.~~

22 ~~(N) "MEMBER" INCLUDES ANY CANDIDATE OR PERSON DULY ELECTED OR~~
23 ~~APPOINTED WHO TAKES THE OATH OF OFFICE AS A MEMBER OF THE COUNTY~~
24 ~~COUNCIL.~~

25 ~~(O) (1) "PENDENCY OF THE APPLICATION" MEANS THE TIME BETWEEN~~
26 ~~THE ACCEPTANCE OF A FILING OF AN APPLICATION BY THE APPROPRIATE AGENCY~~
27 ~~AND EXPIRATION OF THE TIME UNDER WHICH AN APPEAL ON THE APPLICATION MAY~~
28 ~~BE TAKEN.~~

1 ~~(2) "PENDENCY OF THE APPLICATION" DOES NOT INCLUDE A PERIOD~~
2 ~~DURING WHICH:~~

3 ~~(I) ACTION ON THE APPLICATION IS UNDER JUDICIAL REVIEW;~~
4 ~~OR~~

5 ~~(II) JUDICIAL REVIEW MAY BE REQUESTED.~~

6 ~~(P) "POLITICAL ACTION COMMITTEE" HAS THE MEANING STATED IN § 1-101~~
7 ~~OF THE ELECTION LAW ARTICLE.~~

8 ~~(Q) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION OR DONATION:~~

9 ~~(1) BY A PERSON OR ATTRIBUTED TO A PERSON THAT IS TO OR FOR~~
10 ~~THE BENEFIT OF A CANDIDATE, MEMBER, OR COUNTY EXECUTIVE; AND~~

11 ~~(2) MADE ON OR AFTER APRIL 8, 2019.~~

12 ~~(R) "SLATE" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW~~
13 ~~ARTICLE.~~

14 ~~(S) "TREASURER" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION~~
15 ~~LAW ARTICLE.~~

16 ~~5-870.~~

17 ~~(A) (1) AN APPLICANT OR AGENT OF THE APPLICANT, OR AN IMMEDIATE~~
18 ~~FAMILY MEMBER OF AN APPLICANT OR AGENT OF THE APPLICANT, MAY NOT MAKE~~
19 ~~A QUALIFYING CONTRIBUTION TO A CANDIDATE DURING THE PENDENCY OF AN~~
20 ~~APPLICATION.~~

21 ~~(2) A POLITICAL ACTION COMMITTEE UNDER THE DIRECTION OR~~
22 ~~CONTROL OF THE APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN~~
23 ~~APPLICANT OR AGENT, MAY NOT MAKE A TRANSFER TO A CANDIDATE'S AUTHORIZED~~
24 ~~CANDIDATE CAMPAIGN COMMITTEE OR A SLATE TO WHICH THE CANDIDATE~~
25 ~~BELONGS.~~

26 ~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
27 ~~AFTER AN APPLICATION HAS BEEN FILED, A MEMBER MAY NOT VOTE OR~~
28 ~~PARTICIPATE IN ANY WAY IN THE PROCEEDING ON THE APPLICATION IF THE~~
29 ~~MEMBER, DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE~~
30 ~~APPLICATION, RECEIVED OR WAS THE BENEFICIARY OF A QUALIFYING~~
31 ~~CONTRIBUTION DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE~~
32 ~~APPLICATION OR DURING THE PENDENCY OF THE APPLICATION FROM ANY OF THE~~

~~1 APPLICANTS OR THE AGENTS OF THE APPLICANTS, OR THE IMMEDIATE FAMILY~~
~~2 MEMBERS OF ANY OF THE APPLICANTS OR AGENTS OF THE APPLICANTS.~~

~~3 (2) A MEMBER IS NOT SUBJECT TO THE REQUIREMENTS OF~~
~~4 PARAGRAPH (1) OF THIS SUBSECTION IF:~~

~~5 (I) 1. A TRANSFER TO THE MEMBER'S AUTHORIZED~~
~~6 CANDIDATE POLITICAL COMMITTEE OR A SLATE TO WHICH THE MEMBER BELONGS~~
~~7 OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE~~
~~8 APPLICATION WAS MADE BY A POLITICAL ACTION COMMITTEE TO WHICH AN~~
~~9 APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR~~
~~10 AGENT, HAD MADE A CONTRIBUTION;~~

~~11 2. THE APPLICANT, AGENT, OR IMMEDIATE FAMILY~~
~~12 MEMBER MADE THE CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE~~
~~13 WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;~~

~~14 3. THE APPLICANT'S, AGENT'S, OR IMMEDIATE FAMILY~~
~~15 MEMBER'S CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE AND THE~~
~~16 POLITICAL ACTION COMMITTEE'S TRANSFER ARE DISCLOSED IN AN AFFIDAVIT; AND~~

~~17 4. THE TRANSFER IS RETURNED TO THE POLITICAL~~
~~18 ACTION COMMITTEE BY THE MEMBER, OR THE CONTRIBUTION IS RETURNED TO THE~~
~~19 APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER BY THE POLITICAL ACTION~~
~~20 COMMITTEE WITHIN 10 DAYS OF THE APPLICATION BEING FILED; OR~~

~~21 (II) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF~~
~~22 THE APPLICATION:~~

~~23 1. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY~~
~~24 MEMBER OF AN APPLICANT OR AGENT MADE A DONATION OR CONTRIBUTION FOR~~
~~25 THE BENEFIT OF A CANDIDATE TO:~~

~~26 A. A POLITICAL ACTION COMMITTEE REQUIRED TO FILE~~
~~27 A DISCLOSURE REPORT UNDER § 13 309.1 OF THE ELECTION LAW ARTICLE;~~

~~28 B. A PERSON REQUIRED TO FILE AN INDEPENDENT~~
~~29 EXPENDITURE REPORT UNDER § 13 306 OF THE ELECTION LAW ARTICLE; OR~~

~~30 C. A PERSON REQUIRED TO FILE AN ELECTIONEERING~~
~~31 COMMUNICATION REPORT UNDER § 13 307 OF THE ELECTION LAW ARTICLE;~~

~~32 2. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY~~
~~33 MEMBER OF AN APPLICANT OR AGENT MADE THE DONATION OR CONTRIBUTION TO~~

1 ~~THE POLITICAL ACTION COMMITTEE OR PERSON WITHOUT ANY INTENT TO SUBVERT~~
2 ~~THE PURPOSES OF THIS SUBTITLE;~~

3 ~~3. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY~~
4 ~~MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE DONATION OR~~
5 ~~CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON;~~

6 ~~4. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY~~
7 ~~MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE EXPENDITURES THAT~~
8 ~~SUPPORT THE CANDIDATE IN AN AFFIDAVIT; AND~~

9 ~~5. THE POLITICAL ACTION COMMITTEE OR PERSON~~
10 ~~RETURNED THE DONATION OR CONTRIBUTION TO THE APPLICANT, AGENT, OR~~
11 ~~IMMEDIATE FAMILY MEMBER WITHIN 10 DAYS OF THE APPLICATION BEING FILED.~~

12 ~~(c) (1) AFTER AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN~~
13 ~~AFFIDAVIT UNDER OATH:~~

14 ~~(i) 1. STATING TO THE BEST OF THE APPLICANT'S~~
15 ~~INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48 MONTH PERIOD~~
16 ~~BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE~~
17 ~~APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE~~
18 ~~APPLICANT HAS NOT MADE ANY QUALIFYING CONTRIBUTION TO:~~

19 ~~A. A MEMBER'S TREASURER;~~

20 ~~B. A MEMBER'S AUTHORIZED CANDIDATE POLITICAL~~
21 ~~COMMITTEE;~~

22 ~~C. A SLATE TO WHICH THE MEMBER BELONGS OR~~
23 ~~BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE~~
24 ~~APPLICATION; OR~~

25 ~~D. A PERSON THAT MADE EXPENDITURES BENEFITING~~
26 ~~THE MEMBER DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE~~
27 ~~APPLICATION AND IS REQUIRED TO FILE A REPORT UNDER § 13-306 OR § 13-307 OF~~
28 ~~THE ELECTION LAW ARTICLE;~~

29 ~~2. DISCLOSING, IF A QUALIFYING CONTRIBUTION~~
30 ~~SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO~~
31 ~~WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO~~
32 ~~WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD~~
33 ~~BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM 1D~~
34 ~~OF THIS ITEM THE QUALIFYING CONTRIBUTION WAS MADE; AND~~

1 ~~(H) 1. STATING TO THE BEST OF THE APPLICANT'S~~
2 ~~INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48 MONTH PERIOD~~
3 ~~BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE~~
4 ~~APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE~~
5 ~~APPLICANT HAS NOT SOLICITED ANY PERSON OR BUSINESS ENTITY TO MAKE A~~
6 ~~QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S~~
7 ~~AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER~~
8 ~~BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF~~
9 ~~THE APPLICATION, OR A PERSON SPECIFIED UNDER ITEM (I)1D OF THIS~~
10 ~~PARAGRAPH; OR~~

11 ~~2. DISCLOSING, IF A SOLICITED QUALIFYING~~
12 ~~CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF~~
13 ~~THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL~~
14 ~~COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE~~
15 ~~48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON~~
16 ~~SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH THE QUALIFYING~~
17 ~~CONTRIBUTION WAS MADE.~~

18 ~~(2) THE AFFIDAVIT SHALL BE FILED AT LEAST 30 CALENDAR DAYS~~
19 ~~BEFORE CONSIDERATION OF THE APPLICATION BY THE COUNTY COUNCIL.~~

20 ~~(3) A SUPPLEMENTAL AFFIDAVIT SHALL BE FILED WHENEVER A~~
21 ~~QUALIFYING CONTRIBUTION IS MADE AFTER THE ORIGINAL AFFIDAVIT WAS FILED.~~

22 ~~(4) (I) AN APPLICANT IS NOT REQUIRED TO MAKE ANY~~
23 ~~REPRESENTATIONS IN THE AFFIDAVIT RELATING TO THE ACTIONS OF ANYONE~~
24 ~~OTHER THAN THAT APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE~~
25 ~~APPLICANT.~~

26 ~~(H) ANYONE WITH AUTHORITY TO ACT ON BEHALF OF AND BIND~~
27 ~~A BUSINESS ENTITY MAY EXECUTE AN AFFIDAVIT ON BEHALF OF THE BUSINESS~~
28 ~~ENTITY.~~

29 ~~(5) THE ONLY DISCLOSURES REQUIRED UNDER THE AFFIDAVIT ARE~~
30 ~~THOSE INVOLVING INDIVIDUALS OR BUSINESS ENTITIES THAT WOULD BE SUBJECT~~
31 ~~TO THIS PART.~~

32 ~~(D) (1) AN AGENT SHALL FILE AN AFFIDAVIT IN AN APPLICATION ONLY IF:~~

33 ~~(I) THE AGENT HAS ACTED ON BEHALF OF THE APPLICANT~~
34 ~~WITH REGARD TO THE SPECIFIC APPLICATION; AND~~

~~(H) DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION AND AFTER BECOMING AN AGENT OF THE APPLICANT:~~

~~1. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS MADE A QUALIFYING CONTRIBUTION TO A MEMBER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION; OR~~

~~2. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT HAS SOLICITED ANY PERSON TO MAKE A QUALIFYING CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(1)D OF THIS SECTION.~~

~~(2) NOTWITHSTANDING PARAGRAPH (1)(H) OF THIS SUBSECTION, AN AGENT SHALL DISCLOSE IN THE AFFIDAVIT A QUALIFYING CONTRIBUTION MADE BEFORE BECOMING AN AGENT IF THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF THE AGENT:~~

~~(I) MADE THE QUALIFYING CONTRIBUTION BY PREARRANGEMENT OR IN COORDINATION WITH ONE OR MORE APPLICANTS; OR~~

~~(II) ACTED AS AN AGENT AS TO ANY OTHER APPLICATION FILED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR, MEMBER, OR POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS PART IF A QUALIFYING CONTRIBUTION IS MADE BY THE CONTRIBUTOR OR A TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:~~

~~(I) THE CANDIDATE;~~

~~(II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE; OR~~

~~(III) A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48 MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.~~

~~(2) THIS PART DOES NOT APPLY TO:~~

1 ~~(H) ANY TRANSFER TO THE AUTHORIZED CANDIDATE~~
2 ~~POLITICAL COMMITTEE OF A MEMBER BY AN AUTHORIZED CANDIDATE POLITICAL~~
3 ~~COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE OR SLATE;~~
4 ~~OR~~

5 ~~(H) A CONTRIBUTION OR TRANSFER TO THE ANNE ARUNDEL~~
6 ~~COUNTY OR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY, EVEN IF THE~~
7 ~~CENTRAL COMMITTEE SUPPORTS A CANDIDATE.~~

8 ~~(3) (I) A PERSON MAY NOT MAKE A QUALIFYING CONTRIBUTION IN~~
9 ~~VIOLATION OF THIS PART.~~

10 ~~(H) IF A QUALIFYING CONTRIBUTION IS MADE IN VIOLATION OF~~
11 ~~THIS PART, THE QUALIFYING CONTRIBUTION SHALL BE RETURNED TO THE PERSON~~
12 ~~WHO MADE THE QUALIFYING CONTRIBUTION.~~

13 ~~(F) AN APPLICANT OR AGENT OR IMMEDIATE FAMILY MEMBER OF THE~~
14 ~~APPLICANT OR AGENT MAY NOT TAKE ANY ACTION, DIRECTLY OR INDIRECTLY, WITH~~
15 ~~THE INTENT TO CIRCUMVENT THE INTENT OF THIS PART.~~

16 ~~5-871.~~

17 ~~THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND~~
18 ~~IMPLEMENT THE PROVISIONS OF THIS SECTION.~~

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to~~
20 ~~apply retroactively and shall be applied to and interpreted to affect qualifying contributions~~
21 ~~made on or after April 8, 2010.~~

22 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or~~
23 ~~the application thereof to any person or circumstance is held invalid for any reason in a~~
24 ~~court of competent jurisdiction, the invalidity does not affect other provisions or any other~~
25 ~~application of this Act that can be given effect without the invalid provision or application,~~
26 ~~and for this purpose the provisions of this Act are declared severable.~~

27 ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
28 ~~July 1, 2019.~~