

Unofficial Copy
G1
HB 611/95 - CGM

1996 Regular Session
6lr1797

By: Delegates Genn, Rudolph, Mandel, Bobo, Dypski, DeCarlo, Getty, Faulkner, Brinkley, Conroy, Clagett, Morgan, Kagan, and Dembrow

Introduced and read first time: January 26, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

1 AN ACT concerning

2 **Election Laws - Contributions - Reports**

3 FOR the purpose of requiring that, in reporting certain contributions of a certain amount
4 that are received by a candidate or political committee, the candidate and treasurer,
5 or chairman and treasurer, as the case may be, shall identify each contributor by
6 name, address, and, if any, occupation and employer; providing that a candidate,
7 chairman, or treasurer is deemed to be in compliance with this Act if certain actions
8 are taken; and generally relating to the inclusion of certain information regarding
9 certain contributors on campaign contribution reports.

10 BY repealing and reenacting, without amendments,

11 Article 33 - Election Code
12 Section 26-11(a)
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1995 Supplement)

15 BY adding to

16 Article 33 - Election Code
17 Section 26-11(a-1)
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1995 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 33 - Election Code**

2 26-11.

3 (a) A candidate for nomination or election to public or party office, including
4 write-in candidates, and the treasurer designated by that candidate shall file the report or
5 statement of contributions and expenditures as prescribed in accordance with § 26-12 of
6 this article with the board at which the candidate filed his certificate of candidacy. All
7 reports or statements of contributions and expenditures shall be filed in duplicate except
8 those filed with the State Administrative Board of Election Laws. Election reports as
9 specified below are required by all candidates for public or party office whether or not the
10 candidate's name appears on the primary ballot, or the candidate withdraws subsequent
11 to filing his certificate of candidacy, or the candidate is unsuccessful in the election. Each
12 report filed shall contain all contributions received and expenditures made in furtherance
13 of the candidate's nomination or election by the candidate himself or, with the knowledge
14 of the candidate, by any other person or groups of persons, which shall be complete,
15 except as otherwise provided in this section through and including the seventh day
16 immediately preceding the day by which that report is to be filed. The initial report filed
17 shall contain all contributions so received and expenditures so made since the date of the
18 last preceding election to fill the office for which he is a candidate. Each subsequent
19 report shall contain all contributions so received and expenditures so made since the end
20 of the period for which the last preceding report is filed. Even if no contributions or
21 expenditures have been made since the end of the period for which the last preceding
22 report was filed, a statement to that effect must be filed on the forms prescribed pursuant
23 to § 26-12 of this article under the circumstances and at the times specified in this
24 section. The initial and subsequent reports shall be consecutively filed as follows:

25 (1) No later than the fourth Tuesday immediately preceding any primary
26 election; and

27 (2) No later than the second Friday immediately preceding any election
28 which shall be complete through and including the preceding Sunday; and

29 (3) No later than the third Tuesday after the general election; and

30 (4) If a cash balance exists or if any unpaid bills or deficits remain to be paid
31 as of the end of the period for which the report or statement in paragraph (3) of this
32 subsection is filed, six months after the general election; and

33 (5) If a cash balance exists or if any unpaid bills or deficits remain to be paid
34 as of the end of the period for which the report or statement in paragraph (4) of this
35 subsection is filed, one year after the general election; and

36 (6) If a cash balance exists or if any unpaid bills or deficits remain to be paid
37 as of the end of the period for which the report or statement in paragraph (5) of this
38 subsection or any subsequent report or statement is filed, annually on the anniversary of
39 the general election until no cash balance, unpaid bill, or deficit remains; and

40 (7) If a cash balance or outstanding debts or deficits were reflected on the
41 last preceding report, but have all been eliminated by the date on which the next report
42 is due, then a report clearly marked as "final" shall be filed on or before such date
43 showing all transactions since the last report; and

1 (8) If a candidate does not intend to receive contributions or make
2 expenditures of \$300 or more, exclusive of his filing fee, he and his treasurer may jointly
3 execute an affidavit to that effect on a form prescribed by the State Administrative Board
4 of Election Laws. If he does not in fact receive contributions or make expenditures of
5 \$300 or more, no further reports need be filed pursuant to this section. The affidavit shall
6 be filed not later than the date by which the first report is due. If at any time the
7 cumulative contributions to or expenditures by a candidate who has filed such an affidavit
8 equal or exceed \$300, he and his treasurer shall thereafter file all reports required by this
9 section and failure to do so constitutes a failure to file and the commission of a
10 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

11 (A-1) (1) IN REPORTING A CONTRIBUTION UNDER THIS SECTION, THE
12 REPORT SHALL INCLUDE THE IDENTITY OF THE CONTRIBUTOR BY FULL NAME,
13 MAILING ADDRESS, AND, IF ANY, OCCUPATION AND EMPLOYER, IF:

14 (I) THE CONTRIBUTION IS IN THE AMOUNT OF \$251 OR MORE; OR

15 (II) THE CONTRIBUTOR HAS CONTRIBUTED TO THE CANDIDATE
16 OR COMMITTEE, DURING THE 4-YEAR ELECTION CYCLE IN WHICH THE
17 CONTRIBUTION IS MADE, A CUMULATIVE AMOUNT OF \$251 OR MORE.

18 (2) (I) A CANDIDATE, CHAIRMAN, OR TREASURER IS IN COMPLIANCE
19 WITH THIS SUBSECTION IF THE CANDIDATE, CHAIRMAN, OR TREASURER SHOWS
20 THAT BEST EFFORTS HAVE BEEN USED TO OBTAIN, MAINTAIN, AND SUBMIT THE
21 INFORMATION REQUIRED BY THIS SUBSECTION.

22 (II) THE CANDIDATE, CHAIRMAN, OR TREASURER SHALL BE
23 DEEMED TO HAVE EXERCISED BEST EFFORTS TO OBTAIN, MAINTAIN, AND SUBMIT
24 THE INFORMATION REQUIRED BY THIS SUBSECTION IF EACH WRITTEN
25 SOLICITATION FOR CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE
26 INFORMATION REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1996.