
By: Senators Pinsky and Frosh

Introduced and read first time: January 25, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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:

22 **Article 33 - Election Code**

23 26-11.

24 (a) A candidate for nomination or election to public or party office, including
25 write-in candidates, and the treasurer designated by that candidate shall file the report or
26 statement of contributions and expenditures as prescribed in accordance with § 26-12 of
27 this article with the board at which the candidate filed his certificate of candidacy. All
28 reports or statements of contributions and expenditures shall be filed in duplicate except
29 those filed with the State Administrative Board of Election Laws. Election reports as
30 specified below are required by all candidates for public or party office whether or not the
31 candidate's name appears on the primary ballot, or the candidate withdraws subsequent

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1 to filing his certificate of candidacy, or the candidate is unsuccessful in the election. Each
 2 report filed shall contain all contributions received and expenditures made in furtherance
 3 of the candidate's nomination or election by the candidate himself or, with the knowledge
 4 of the candidate, by any other person or groups of persons, which shall be complete,
 5 except as otherwise provided in this section through and including the seventh day
 6 immediately preceding the day by which that report is to be filed. The initial report filed
 7 shall contain all contributions so received and expenditures so made since the date of the
 8 last preceding election to fill the office for which he is a candidate. Each subsequent
 9 report shall contain all contributions so received and expenditures so made since the end
 10 of the period for which the last preceding report is filed. Even if no contributions or
 11 expenditures have been made since the end of the period for which the last preceding
 12 report was filed, a statement to that effect must be filed on the forms prescribed pursuant
 13 to § 26-12 of this article under the circumstances and at the times specified in this
 14 section. The initial and subsequent reports shall be consecutively filed as follows:

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

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

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

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

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

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

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

34 (8) If a candidate does not intend to receive contributions or make
 35 expenditures of \$300 or more, exclusive of his filing fee, he and his treasurer may jointly
 36 execute an affidavit to that effect on a form prescribed by the State Administrative Board
 37 of Election Laws. If he does not in fact receive contributions or make expenditures of
 38 \$300 or more, no further reports need be filed pursuant to this section. The affidavit shall
 39 be filed not later than the date by which the first report is due. If at any time the
 40 cumulative contributions to or expenditures by a candidate who has filed such an affidavit
 41 equal or exceed \$300, he and his treasurer shall thereafter file all reports required by this
 42 section and failure to do so constitutes a failure to file and the commission of a
 43 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

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

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

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

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

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

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