

(PRE-FILED)

By: Delegate Taylor and Chairman, Commerce and Government Matters Committee, and Delegates Dewberry, Hurson, Arnick, Busch, Guns, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, and Vallario ~~Vallario, Dembrow, Genn, Dypski, Pitkin, Clagett, Brinkley, Wood, DeCarlo, Minnick, Rudolph, Malone, Snodgrass, and Cryor~~

Requested: July 17, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 25, 1997

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Fund-Raising During Legislative Session and Bill-Signing Period -**
3 **Prohibition**

4 FOR the purpose of prohibiting the Governor, Lieutenant Governor, Attorney General,
5 Comptroller, members of the General Assembly, or persons acting on behalf of any
6 of these individuals, from collecting contributions, conducting a fund-raising event,
7 or soliciting or selling tickets to an event, during certain periods of time; providing
8 certain exceptions; making the provisions of this Act severable; and generally
9 relating to certain fund-raising activities by the Governor, Lieutenant Governor,
10 Attorney General, Comptroller, members of the General Assembly, or persons
11 acting on their behalf.

12 BY repealing and reenacting, without amendments,
13 Article 33 - Election Code
14 Section 1-1(a)(5)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article 33 - Election Code
19 Section 26-10
20 Annotated Code of Maryland

2

1 (1993 Replacement Volume and 1996 Supplement)

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

4 **Article 33 - Election Code**

5 1-1.

6 (a) As used in this article the following terms shall have the meanings indicated
7 unless a contrary meaning is clearly intended from the context in which the term appears:

8 (5) (i) "Contribution" means the gift, transfer or promise of gift or
9 transfer of money or other thing of value to any candidate, or the candidate's
10 representative, or a representative of any political party or partisan organization to
11 promote or assist in the promotion of the success or defeat of any candidate, political
12 party, principle or proposition submitted to a vote at any election.

13 (ii) "Contribution" includes proceeds from the sale of tickets to a
14 campaign fund-raising event.

15 26-10.

16 ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, DURING THE~~
17 ~~PERIOD BEGINNING WITH THE CONVENING OF A REGULAR SESSION OF THE~~
18 ~~GENERAL ASSEMBLY UNTIL 50 DAYS AFTER THE END OF A REGULAR SESSION, THE~~
19 ~~GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR A~~
20 ~~PERSON ACTING ON BEHALF OF THE GOVERNOR, LIEUTENANT GOVERNOR,~~
21 ~~ATTORNEY GENERAL, OR COMPTROLLER, MAY NOT:~~

22 ~~(1) COLLECT CONTRIBUTIONS;~~

23 ~~(2) CONDUCT ANY FUND-RAISING EVENT IN ORDER TO COLLECT~~
24 ~~CONTRIBUTIONS; OR~~

25 ~~(3) SOLICIT OR SELL A TICKET TO ANY FUND-RAISING EVENT.~~

26 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, DURING A~~
27 ~~REGULAR SESSION OF THE GENERAL ASSEMBLY, A MEMBER OF THE GENERAL~~
28 ~~ASSEMBLY, OR A PERSON ACTING ON BEHALF OF A MEMBER, MAY NOT:~~

29 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DURING A
30 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE GOVERNOR, LIEUTENANT
31 GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, MEMBER OF THE GENERAL
32 ASSEMBLY, A CANDIDATE FOR ANY OF THESE OFFICES, OR A PERSON ACTING ON
33 BEHALF OF ANY OF THESE OFFICEHOLDERS OR A CANDIDATE FOR THESE OFFICES,
34 MAY NOT:

35 (1) COLLECT CONTRIBUTIONS FOR ANY CANDIDATE FOR FEDERAL,
36 STATE, OR LOCAL OFFICE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE,
37 OR ANY POLITICAL COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND
38 OPERATED IN COORDINATION WITH A CANDIDATE;

1 (2) CONDUCT ANY FUND-RAISING EVENT IN ORDER TO COLLECT
2 CONTRIBUTIONS FOR ANY CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE,
3 ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL
4 COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN
5 COORDINATION WITH A CANDIDATE; OR

6 (3) SOLICIT OR SELL A TICKET TO ANY FUND-RAISING EVENT FOR ANY
7 CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, ANY AUTHORIZED
8 CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL COMMITTEE ORGANIZED
9 UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN COORDINATION WITH A
10 CANDIDATE.

11 ~~(A)~~ (B) (1) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS
12 SERVING AS GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL,
13 COMPTROLLER, OR A MEMBER OF THE GENERAL ASSEMBLY AND WHO HAS
14 PROPERLY FILED AS A CANDIDATE FOR AN ELECTIVE FEDERAL OR LOCAL
15 GOVERNMENT OFFICE.

16 (II) AN INDIVIDUAL SUBJECT TO THIS PARAGRAPH, OR A PERSON
17 ACTING ON BEHALF OF THAT INDIVIDUAL, MAY:

18 1. COLLECT CONTRIBUTIONS SOLELY FOR PURPOSES
19 RELATING TO THE ELECTION OF THE INDIVIDUAL TO A FEDERAL OR LOCAL
20 GOVERNMENT OFFICE;

21 2. CONDUCT A FUND-RAISING EVENT IN ORDER TO
22 COLLECT CONTRIBUTIONS SOLELY FOR PURPOSES RELATING TO THE ELECTION OF
23 THE INDIVIDUAL TO A FEDERAL OR LOCAL GOVERNMENT OFFICE; AND

24 3. SOLICIT OR SELL A TICKET TO A FUND-RAISING EVENT
25 SOLELY FOR PURPOSES RELATING TO THE ELECTION OF THE INDIVIDUAL TO A
26 FEDERAL OR LOCAL GOVERNMENT OFFICE.

27 (2) (I) THIS PARAGRAPH APPLIES TO AN ELIGIBLE CANDIDATE WHO
28 HAS APPLIED FOR AND ACCEPTS A PUBLIC CONTRIBUTION FROM THE FAIR
29 CAMPAIGN FINANCING FUND UNDER THE FAIR CAMPAIGN FINANCING ACT.

30 (II) DURING THE YEAR OF THE ELECTION ONLY, AN ELIGIBLE
31 CANDIDATE SUBJECT TO THIS PARAGRAPH MAY ACCEPT ELIGIBLE PRIVATE
32 CONTRIBUTIONS AND ANY DISBURSEMENT OF FUNDS BY THE STATE
33 ADMINISTRATIVE BOARD OF ELECTION LAWS THAT ARE BASED ON THE ELIGIBLE
34 PRIVATE CONTRIBUTIONS.

35 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
36 Act or the application thereof to any person or circumstance is held invalid for any reason
37 in a court of competent jurisdiction, the invalidity does not affect other provisions or any
38 other application of this Act which can be given effect without the invalid provision or
39 application, and for this purpose the provisions of this Act are declared severable.

40 SECTION 2- ~~3~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
41 October 1, 1997.

