
**By: Delegate Taylor and Chairman, Commerce and Government Matters Committee,
and Delegates Dewberry, Hurson, Arnick, Busch, Harrison, Hixson, Kopp, Menes,
Owings, Rawlings, and Vallario**

Requested: July 31, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Contribution Reports - Contributor Information**

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 contributions 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 1996 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 1996 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

2

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

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

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

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

23 (4) 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 (3) of this
25 subsection is filed, six months after the general election; and

26 (5) 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 (4) of this
28 subsection is filed, one year after the general election; and

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

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

37 (8) If a candidate does not intend to receive contributions or make
38 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may jointly
39 execute an affidavit to that effect on a form prescribed by the State Administrative Board
40 of Election Laws. If he does not in fact receive contributions or make expenditures of
41 \$1,000 or more, no further reports need be filed pursuant to this section. The affidavit
42 shall be filed not later than the date by which the first report is due. If at any time the
43 cumulative contributions to or expenditures by a candidate who has filed such an affidavit

3

1 equal or exceed \$1,000, he and his treasurer shall thereafter file all reports required by
2 this section and failure to do so constitutes a failure to file and the commission of a
3 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

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

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

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

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

15 (II) THE CANDIDATE, CHAIRMAN, OR TREASURER SHALL BE
16 DEEMED TO HAVE EXERCISED BEST EFFORTS TO OBTAIN, MAINTAIN, AND SUBMIT
17 THE INFORMATION REQUIRED BY THIS SUBSECTION IF:

18 1. EACH INITIAL WRITTEN SOLICITATION FOR
19 CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE INFORMATION REQUIRED
20 IN PARAGRAPH (1) OF THIS SUBSECTION;

21 2. A FOLLOW-UP REQUEST IS MADE WHEN NECESSARY;
22 AND

23 3. THE REQUIRED INFORMATION IS TIMELY REPORTED,
24 INCLUDING AN AMENDED REPORT TO DISCLOSE ANY FOLLOW-UP ATTEMPT TO
25 OBTAIN REQUIRED INFORMATION PREVIOUSLY REQUESTED OF A CONTRIBUTOR
26 AND ANY OTHER PREVIOUSLY UNDISCLOSED INFORMATION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.