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(PRE-FILED)

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

Requested: July 31, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

 Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 1997

 CHAPTER _____

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)

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

3 **Article 33 - Election Code**

4 26-11.

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

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

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

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

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

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

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

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

5 (8) If a candidate does not intend to receive contributions or make
6 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may jointly
7 execute an affidavit to that effect on a form prescribed by the State Administrative Board
8 of Election Laws. If he does not in fact receive contributions or make expenditures of
9 \$1,000 or more, no further reports need be filed pursuant to this section. The affidavit
10 shall be filed not later than the date by which the first report is due. If at any time the
11 cumulative contributions to or expenditures by a candidate who has filed such an affidavit
12 equal or exceed \$1,000, he and his treasurer shall thereafter file all reports required by
13 this section and failure to do so constitutes a failure to file and the commission of a
14 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

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

18 (I) THE CONTRIBUTION IS IN THE AMOUNT OF ~~\$254~~ \$500 OR MORE;
19 OR

20 (II) THE CONTRIBUTOR HAS CONTRIBUTED TO THE CANDIDATE
21 OR COMMITTEE, DURING THE 4-YEAR ELECTION CYCLE IN WHICH THE
22 CONTRIBUTION IS MADE, A CUMULATIVE AMOUNT OF ~~\$254~~ \$500 OR MORE.

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

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

30 1. EACH INITIAL WRITTEN SOLICITATION FOR
31 CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE INFORMATION REQUIRED
32 IN PARAGRAPH (1) OF THIS SUBSECTION;

33 ~~2. OR~~ 2. A FOLLOW-UP REQUEST IS MADE WHEN NECESSARY
34 TO OBTAIN THE INFORMATION; AND

35 ~~3.~~ 2. THE REQUIRED INFORMATION IS TIMELY REPORTED,
36 INCLUDING AN AMENDED REPORT TO DISCLOSE ANY FOLLOW-UP ATTEMPT TO
37 OBTAIN REQUIRED INFORMATION PREVIOUSLY REQUESTED OF A CONTRIBUTOR
38 AND ANY OTHER PREVIOUSLY UNDISCLOSED INFORMATION.

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

