

---

**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 - Campaign Finance Reports - Supplemental Contribution Statements**

3 FOR the purpose of requiring certain candidates and political committees, under certain  
4 circumstances, to notify the State Administrative Board of Election Laws or the  
5 designated local board of supervisors of elections of certain contributions or  
6 transfers received by the candidate or political committee since the period covered  
7 by the last campaign fund report; establishing individual contribution and aggregate  
8 contribution thresholds for triggering the supplemental reporting requirements;  
9 providing for the inclusion of certain information regarding the additional  
10 contributions in the notice to the State Board or to the local board; and generally  
11 providing for notice to the State Board or to the local board by certain entities  
12 regarding the receipt of campaign contributions exceeding a certain individual or  
13 aggregate amount.

14 BY repealing and reenacting, with amendments,  
15 Article 33 - Election Code  
16 Section 26-11  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1996 Supplement)

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

21 **Article 33 - Election Code**

22 26-11.

23 (a) A candidate for nomination or election to public or party office, including  
24 write-in candidates, and the treasurer designated by that candidate, AND THE ENTITIES  
25 DESCRIBED IN § 26-4 OF THIS ARTICLE shall file the report or statement of contributions  
26 and expenditures as prescribed in accordance with § 26-12 of this article with the board  
27 at which the candidate filed his certificate of candidacy. All reports or statements of  
28 contributions and expenditures shall be filed in duplicate except those filed with the State  
29 Administrative Board of Election Laws. Election reports as specified below are required

2

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

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

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

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

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

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

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

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

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

3

1 this section and failure to do so constitutes a failure to file and the commission of a  
2 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

3 (A-1) (1) IN ADDITION TO THE REPORTS REQUIRED UNDER SUBSECTION (A)  
4 OF THIS SECTION AND UNDER § 26-4 OF THIS ARTICLE, AN INDIVIDUAL OR ENTITY  
5 DESCRIBED IN SUBPARAGRAPHS (I) THROUGH (III) OF THIS PARAGRAPH SHALL FILE  
6 A WRITTEN SUPPLEMENTAL STATEMENT WITH THE APPROPRIATE LOCAL BOARD  
7 OR THE STATE ADMINISTRATIVE BOARD OF ELECTIONS, AS SPECIFIED, TO REFLECT  
8 CONTRIBUTIONS RECEIVED BY THE INDIVIDUAL OR ENTITY SINCE THE END OF THE  
9 PERIOD COVERED BY THE IMMEDIATELY PRECEDING REPORT THAT THE  
10 INDIVIDUAL OR ENTITY WAS REQUIRED TO FILE AS FOLLOWS:

11 (I) FOR A CANDIDATE FOR STATEWIDE OFFICE AND ANY  
12 POLITICAL COMMITTEE ORGANIZED AND OPERATED IN COORDINATION WITH THE  
13 CANDIDATE, AND FOR ANY ENTITY ORGANIZED UNDER § 26-4 OF THIS ARTICLE,  
14 UPON THE RECEIPT OF:

15 1. A CONTRIBUTION OF \$2,000 OR MORE FROM A SINGLE  
16 CONTRIBUTOR; OR

17 2. A. AGGREGATE CONTRIBUTIONS OF \$50,000; AND

18 B. EACH SUBSEQUENT AGGREGATION OF \$50,000 IN  
19 CONTRIBUTIONS;

20 (II) FOR A POLITICAL COMMITTEE ORGANIZED IN SUPPORT OF OR  
21 IN OPPOSITION TO ANY BALLOT QUESTION, UPON THE RECEIPT OF:

22 1. A CONTRIBUTION OF \$2,000 OR MORE FROM A SINGLE  
23 CONTRIBUTOR; OR

24 2. A. AGGREGATE CONTRIBUTIONS OF \$50,000; AND

25 B. EACH SUBSEQUENT AGGREGATION OF \$50,000 IN  
26 CONTRIBUTIONS;

27 (III) FOR A CANDIDATE FOR A COUNTY OR NONSTATEWIDE  
28 OFFICE, AND ANY POLITICAL COMMITTEE ORGANIZED AND OPERATED IN  
29 COORDINATION WITH THE CANDIDATE, UPON THE RECEIPT OF:

30 1. A CONTRIBUTION OF \$1,000 OR MORE FROM A SINGLE  
31 CONTRIBUTOR; OR

32 2. A. AGGREGATE CONTRIBUTIONS OF \$10,000; AND

33 B. EACH SUBSEQUENT AGGREGATION OF \$10,000 IN  
34 CONTRIBUTIONS.

35 (2) THE SUPPLEMENTAL STATEMENT REQUIRED UNDER THIS  
36 SUBSECTION SHALL:

37 (I) BE FILED WITH THE APPROPRIATE LOCAL BOARD OR THE  
38 STATE ADMINISTRATIVE BOARD OF ELECTION LAWS, AS SPECIFIED, NO LATER

4

1 THAN THE CLOSE OF BUSINESS ON THE DAY THAT IS 10 DAYS FOLLOWING THE DATE  
2 THAT THE THRESHOLD CONTRIBUTION AMOUNT IS RECEIVED;

3 (II) BE IN WRITING AND MAY INCLUDE A DOCUMENT  
4 TRANSMITTED BY FACSIMILE MACHINE OR A SIMILAR DOCUMENT; AND

5 (III) INCLUDE THE SIGNATURE OF THE CANDIDATE, THE  
6 TREASURER OF THE CANDIDATE, OR THE CHAIRMAN OR TREASURER OF THE  
7 COMMITTEE.

8 (3) A CANDIDATE OR POLITICAL COMMITTEE NEED NOT FILE A  
9 SUPPLEMENTAL STATEMENT UNDER THIS SUBSECTION IF THE CANDIDATE OR  
10 COMMITTEE IS REQUIRED TO FILE A REGULAR FULL CAMPAIGN REPORT WITHIN 10  
11 DAYS OF THE DATE THAT A TRIGGERING THRESHOLD CONTRIBUTION AMOUNT  
12 SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS RECEIVED.

13 (4) A CONTRIBUTION FOR WHICH A SUPPLEMENTAL STATEMENT IS  
14 FILED WITH THE APPROPRIATE LOCAL BOARD OR THE STATE ADMINISTRATIVE  
15 BOARD OF ELECTION LAWS, AS SPECIFIED, UNDER THIS SUBSECTION SHALL BE  
16 INCLUDED IN THE NEXT REGULARLY SCHEDULED FULL CAMPAIGN REPORT THAT  
17 THE ENTITY IS REQUIRED TO FILE UNDER THIS SECTION.

18 (b) (1) Except as provided in paragraph (2) of this subsection, the candidate  
19 and treasurer, or, in the case of a political committee, the chairman and treasurer, of an  
20 entity subject to the reporting requirements of this section and which is not designated as  
21 a continuing committee, as that term is defined by the State Administrative Board of  
22 Election Laws, also shall file an annual report of contributions and expenditures at the  
23 place designated under this section on November 8 of each year.

24 (2) The annual report required under paragraph (1) of this subsection need  
25 not be filed in any year in which the entity is required to file reports in accordance with  
26 the schedule prescribed under subsection (a) of this section.

27 (c) It is the responsibility of the candidate and treasurer, jointly and severally, if  
28 it is the statement of a candidate, and the chairman and treasurer, jointly and severally, if  
29 it is the statement of a committee, to file all reports or statements in full and accurate  
30 detail.

31 (d) (1) The chairman and the treasurer of any central committee and the  
32 chairman and the treasurer of any political committee which continues in existence from  
33 year to year, excluding the chairmen and treasurers of political clubs, shall file the report  
34 or statement of contributions and expenditures as prescribed in accordance with § 26-12  
35 of this article with the State Administrative Board of Election Laws at each of the times  
36 and for the respective periods specified in subsection (a)(1), (2), and (3) of this section  
37 and, in a year in which a general election is not held, on the anniversary of the date of the  
38 last general election.

39 (2) (i) In any election year, on or before the dates specified in subsection  
40 (a) of this section, in lieu of the scheduled reports required to be filed under that  
41 subsection, a political committee which continues in existence from year to year may file  
42 an affidavit stating that since the date covered by the last report the committee has not

5

1 been involved in raising or spending, and does not intend to raise or spend[, money for  
2 that election] ANY MONEY OR OTHER THING OF VALUE.

3 (ii) A political committee which continues in existence from year to  
4 year that files an affidavit under this paragraph shall also file an annual report on the  
5 anniversary date of the last general election giving a statement of all contributions  
6 received and expenditures made since the end of the period for which the last preceding  
7 report is filed, as prescribed in § 26-12 of this article, with the State Administrative Board  
8 of Election Laws.

9 (iii) If, subsequent to the filing of the affidavit provided in this  
10 paragraph, a political committee which continues in existence from year to year receives  
11 contributions or makes expenditures [in connection with the election for which it filed  
12 the affidavit], the committee shall notify the State Administrative Board of Election  
13 Laws in writing within 14 days after the receipt of the contributions or the making of the  
14 expenditures that the committee has resumed receiving contributions or making  
15 expenditures, and thereafter shall file all scheduled reports AND STATEMENTS on the  
16 dates specified in [subsection (a)] SUBSECTIONS (A) AND (A-1) of this section. If the  
17 committee fails to file the notice TO REPORT THE RESUMPTION OF CAMPAIGN  
18 FUND-RAISING required by this subparagraph, or thereafter fails to file the scheduled  
19 reports AND STATEMENTS on the dates specified in [subsection (a)] SUBSECTIONS (A)  
20 AND (A-1) of this section, the candidate and the treasurer of the committee are subject to  
21 the penalties prescribed in §§ 26-13 and 26-20 of this subtitle.

22 (iv) The State Administrator of Election Laws shall establish by  
23 regulations the form of the affidavit to be filed under this paragraph.

24 (e) The chairmen and the treasurers of all other committees shall file the report  
25 or statement of contributions and expenditures, as prescribed in accordance with § 26-12  
26 of this article, at each of the times and for the respective periods specified in [subsection  
27 (a)] SUBSECTIONS (A) AND (A-1) of this section. Each report OR STATEMENT, filed in  
28 accordance with paragraphs (1) and (2) of this subsection, shall be filed in duplicate. This  
29 report or statement shall be filed with:

30 (1) The local board of the county or Baltimore City at which a candidate  
31 supported or opposed by a committee has filed his certificate of candidacy; and

32 (2) The local board of the county or Baltimore City in which the committee  
33 has promoted the success or defeat of a local principle or local proposition submitted to  
34 a vote at an election only in that county or Baltimore City; and

35 (3) The State Administrative Board of Election Laws if a candidate  
36 supported or opposed by a committee has filed his certificate of candidacy with the State  
37 Administrative Board of Election Laws; and

38 (4) The State Administrative Board of Election Laws if the committee has  
39 promoted the success or defeat of a political party, statewide principle, statewide  
40 proposition, or other principle or proposition submitted to a vote at an election in a  
41 county or Baltimore City and all or part of another county or counties; and

42 (5) The local board of the county or Baltimore City and the State  
43 Administrative Board of Election Laws if the committee supported or opposed candidates

6

1 filing their certificates of candidacy with both the local board and the State  
2 Administrative Board of Election Laws; and

3 (6) The local board and the State Administrative Board of Election Laws if  
4 the committee has promoted the success or defeat of a local principle or local proposition  
5 submitted to a vote at an election in that county or Baltimore City and has promoted the  
6 success or defeat of a political party, statewide principle, statewide proposition, or other  
7 principle or proposition submitted to a vote at an election in more than one county or  
8 Baltimore City.

9 (f) Each candidate, the treasurer of each candidate, and the chairman and  
10 treasurer of each committee shall be notified by the elections board with which that  
11 person files reports under this section, by first-class mail and no more than 20 nor less  
12 than 10 days prior to the applicable filing date UNDER SUBSECTION (A) OF THIS  
13 SECTION, of each report that person is required to file. The notice shall include the filing  
14 date, the place for filing, the penalty for failure to file a timely report, and the telephone  
15 number and business hours of the office where the report is to be filed.

16 (g) Any report shall be considered timely if it is mailed on or before the filing  
17 deadline, regardless of when it is actually received, if the United States Postal Service has  
18 provided verification of that fact by affixing a mark so indicating on either the envelope or  
19 any receipt therefor. Unless a report is mailed, the boards and the State Administrative  
20 Board of Election Laws shall provide a receipt for each report received.

21 (h) The provisions of this section shall apply to all committees and treasurers for  
22 candidates for public or party office located outside of the geographic boundaries of the  
23 State with respect to all expenditures of funds within the State of Maryland.

24 (i) For purposes of this section, the failure to provide all of the information  
25 required by the forms prescribed in accordance with § 26-12 of this article, to the extent  
26 applicable, is a failure to file.

27 (j) Within ten days after the deadline for the filing of any report which is required  
28 to be filed with the State Administrative Board of Election Laws, the Board shall compile  
29 a list of every candidate or committee which failed to file the report and shall distribute  
30 the list to the appropriate local election boards. Within ten days after the deadline for the  
31 filing of any report which is required to be filed with a local election board, the local  
32 board shall compile a list of every candidate or committee which failed to file the report  
33 and shall send the list to the State Administrative Board of Election Laws.

34 (k) The provisions of this section are not applicable to a candidate or candidates  
35 for election or elected to a public office of the United States. This candidate or  
36 candidates shall file all reports and statements according to federal laws or regulations.

37 (l) (1) A candidate and treasurer designated by that candidate, the chairman  
38 and treasurer of a candidate's committee, or a slate of candidates, who are required to  
39 file reports or statements under subsection (a), (A-1), (d)(1), or (e)(3) of this section with  
40 the State Administrative Board of Election Laws, shall also file a single copy of all  
41 reports, statements, and affidavits required under this section with the local election  
42 board of the county or Baltimore City where the candidate resides. The report to the local  
43 election board shall be filed according to the schedule set forth in subsections (a) and (d)

7

1 of this section and shall not be subject to the requirements relating to the assessment of  
2 a late filing fee provided under § 26-13 of this article.

3 (2) This subsection does not apply to candidates for the offices of Governor,  
4 Lieutenant Governor, Comptroller, Attorney General, or judge of an appellate court.

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