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HB 888/92 - CAL

1997 Regular Session
7r2394

By: Delegates Fry, Rudolph, Poole, and Kagan

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Reports - Members of the General Assembly**

3 FOR the purpose of requiring members and members-elect of the General Assembly,
4 and their political committees, to report certain contributions received and
5 expenditures made during a certain period prior to each regular session of the
6 General Assembly.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 26-11(a)
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1996 Supplement)

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

14 **Article 33 - Election Code**

15 26-11.

16 (a) A candidate for nomination or election to public or party office, including
17 write-in candidates, and the treasurer designated by that candidate shall file the report or
18 statement of contributions and expenditures as prescribed in accordance with § 26-12 of
19 this article with the board at which the candidate filed his certificate of candidacy. All
20 reports or statements of contributions and expenditures shall be filed in duplicate except
21 those filed with the State Administrative Board of Election Laws. Election reports as
22 specified below are required by all candidates for public or party office whether or not the
23 candidate's name appears on the primary ballot, or the candidate withdraws subsequent
24 to filing his certificate of candidacy, or the candidate is unsuccessful in the election. Each
25 report filed shall contain all contributions received and expenditures made in furtherance
26 of the candidate's nomination or election by the candidate himself or, with the knowledge
27 of the candidate, by any other person or groups of persons, which shall be complete,
28 except as otherwise provided in this section through and including the seventh day
29 immediately preceding the day by which that report is to be filed. The initial report filed
30 shall contain all contributions so received and expenditures so made since the date of the
31 last preceding election to fill the office for which he is a candidate. Each subsequent
32 report shall contain all contributions so received and expenditures so made since the end

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1 of the period for which the last preceding report is filed. Even if no contributions or
 2 expenditures have been made since the end of the period for which the last preceding
 3 report was filed, a statement to that effect must be filed on the forms prescribed pursuant
 4 to § 26-12 of this article under the circumstances and at the times specified in this
 5 section. The initial and subsequent reports shall be consecutively filed as follows:

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

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

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

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

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

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

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

25 (8) FOR A MEMBER OR MEMBER-ELECT OF THE GENERAL ASSEMBLY,
 26 AND ANY COMMITTEE OF THE MEMBER OR MEMBER-ELECT, NO LATER THAN THE
 27 FIFTEENTH DAY AFTER THE CONVENING OF A REGULAR SESSION OF THE GENERAL
 28 ASSEMBLY FOR CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE FROM THE
 29 END OF THE PERIOD COVERED BY THE LAST PRECEDING REPORT REQUIRED
 30 UNDER PARAGRAPHS (1) THROUGH (7) OF THIS SUBSECTION AND THE PERIOD UP
 31 TO, BUT NOT INCLUDING, THE FIRST DAY OF THE REGULAR LEGISLATIVE SESSION;
 32 AND

33 [(8)](9) If a candidate does not intend to receive contributions or make
 34 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may jointly
 35 execute an affidavit to that effect on a form prescribed by the State Administrative Board
 36 of Election Laws. If he does not in fact receive contributions or make expenditures of
 37 \$1,000 or more, no further reports need be filed pursuant to this section. The affidavit
 38 shall be filed not later than the date by which the first report is due. If at any time the
 39 cumulative contributions to or expenditures by a candidate who has filed such an affidavit
 40 equal or exceed \$1,000, he and his treasurer shall thereafter file all reports required by
 41 this section and failure to do so constitutes a failure to file and the commission of a
 42 misdemeanor subject to the penalties prescribed in § 26-20 of this article.

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