

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 877

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “any” and substitute “a certain”; in line 8, after “manner;” insert “providing for certain effective dates;”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article 33 - Election Code

Section 13-404

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)

(As enacted by Chapter ____ (S.B. 118/H.B. 127) of the Acts of the General Assembly of 1998)”.

AMENDMENT NO. 2

On page 2, in line 16, strike “CONTRIBUTIONS, INCLUDING POLITICAL OR”.

AMENDMENT NO. 3

On page 3, after line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 33 - Election Code

13-404.

(A) Every officer or board shall receive, file and preserve all reports, statements, and accounts relating to campaign contributions and expenditures which are required to be filed by this

(Over)

article. These reports, statements, and accounts shall be kept as part of the records of the officer or board for a period not to exceed five years or for at least one year beyond the length of the term of the public or party office for which every candidate to whom these reports, statements, or accounts apply, has offered himself for nomination or election, regardless if the candidate is successful, unsuccessful, or resigns, or for a longer period if ordered by a court of competent jurisdiction. These reports, statements, and accounts shall be subject and open to inspection by any citizen of this State during the hours in which the office in which the reports, statements, and accounts are kept is open. Thereafter, the reports, statements, and accounts shall be transferred to the State Archives. Before transferring any reports, statements or accounts to the State Archives, the officer or board with whom they were filed shall make a permanent record of all election reports required to have been filed by § 13-401 of this subtitle but which have not been filed. The permanent record shall include the name of the candidate or the committee, the treasurer, an identification of the missing report, and, if a final report, a notation of the amount of any outstanding balance, bills or deficits as shown on the last report filed. The officer or board shall file a copy of this permanent record with the State Board and with the State Archives. Copies of these reports, statements and accounts certified by the principal administrative officer in whose office they are kept under the seal of his office shall be evidence in any court to the same extent as the original report, statement or account would be if produced and proved.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION OBTAINED SOLELY FROM REPORTS, STATEMENTS, OR ACCOUNTS REQUIRED BY THIS SECTION MAY NOT BE SOLD OR USED FOR COMMERCIAL PURPOSES OR TO SOLICIT CHARITABLE CONTRIBUTIONS.

(2) THE CANDIDATE OR POLITICAL COMMITTEE THAT FILED THE REPORTS, STATEMENTS, OR ACCOUNTS REQUIRED BY THIS SECTION MAY USE THE INFORMATION FOR ANY PURPOSE.

(C) (1) A CANDIDATE OR POLITICAL COMMITTEE MAY SUBMIT UP TO 10 PSEUDONYMS ON EACH REPORT, STATEMENT, OR ACCOUNT FILED UNDER THIS SECTION TO DETERMINE WHETHER THE NAMES AND ADDRESSES OF THE CANDIDATE'S OR POLITICAL COMMITTEE'S CONTRIBUTORS ARE BEING USED TO SOLICIT CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES IN VIOLATION OF SUBSECTION (B) OF THIS SECTION. EACH PSEUDONYM CONSTITUTES A PROXY

NAME TO REPRESENT A PERSON THAT IS NOT AN ACTUAL CONTRIBUTOR TO THE CANDIDATE OR POLITICAL COMMITTEE.

(2) IF A CANDIDATE OR POLITICAL COMMITTEE USES A PSEUDONYM TO IDENTIFY A FICTITIOUS CONTRIBUTOR UNDER THIS SECTION, THE TOTAL DOLLAR AMOUNT OF THE FICTITIOUS CONTRIBUTIONS SHALL BE SUBTRACTED FROM THE AGGREGATE AMOUNT SPECIFIED ON THE REPORT, STATEMENT, OR ACCOUNT FOR UNITEMIZED CONTRIBUTIONS FROM INDIVIDUALS SO THAT THE CANDIDATE OR POLITICAL COMMITTEE:

(I) OVERSTATES THE AMOUNT OF ITEMIZED CONTRIBUTIONS ACTUALLY RECEIVED; AND

(II) UNDERSTATES THE AMOUNT OF UNITEMIZED CONTRIBUTIONS ACTUALLY RECEIVED.

(3) IF A CANDIDATE OR POLITICAL COMMITTEE USES THE NAME OF A PSEUDONYM CONTRIBUTOR IN A CAMPAIGN REPORT, STATEMENT, OR ACCOUNT FILED UNDER THIS SECTION, THE CANDIDATE OR POLITICAL COMMITTEE SHALL FILE WITH THE STATE BOARD, UNDER SEPARATE COVER, A LIST OF THE PSEUDONYMS USED.

(4) THE STATE BOARD SHALL MAINTAIN THE LIST OF PSEUDONYMS FILED BY A CANDIDATE OR POLITICAL COMMITTEE UNDER THIS SECTION, BUT SHALL EXCLUDE THE LIST FROM THE PUBLIC RECORD.

(5) A CANDIDATE OR POLITICAL COMMITTEE MAY NOT USE A PSEUDONYM UNDER THIS SUBSECTION FOR THE PURPOSE OF CIRCUMVENTING THE REPORTING REQUIREMENTS, LIMITATIONS, AND PROHIBITIONS OF THIS TITLE.”.

AMENDMENT NO. 4

On page 3, in line 9, strike “2.” and substitute “3.”; in the same line after “That” insert “Section 1 of”; and after line 10, insert:

(Over)

“SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 1999.”.