

HOUSE BILL 241

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HB 4/97 - CGM

1999 Regular Session
9r0966

By: **Delegate Dembrow**

Introduced and read first time: February 3, 1999

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
4 amount that are received by a candidate, chairman, or treasurer, each
5 contributor shall be identified through certain information under certain
6 circumstances; establishing that a candidate, chairman, or treasurer is deemed
7 to be in compliance with this Act if certain actions are taken; and generally
8 relating to campaign contribution reports.

9 BY renumbering

10 Article 33 - Election Code
11 Section 13-401(a-1)
12 to be Section 13-401(a-2)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article 33 - Election Code
17 Section 13-401(a)
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

20 BY adding to

21 Article 33 - Election Code
22 Section 13-401(a-1)
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1998 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 13-401(a-1) of Article 33 - Election Code of the
27 Annotated Code of Maryland be renumbered to be Section(s) 13-401(a-2).

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

3 **Article 33 - Election Code**

4 13-401.

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
7 report or statement of contributions and expenditures as prescribed in accordance
8 with § 13-402 of this subtitle with the board at which the candidate filed his
9 certificate of candidacy. All reports or statements of contributions and expenditures
10 shall be filed in duplicate except those filed with the State Board. Election reports as
11 specified below are required by all candidates for public or party office whether or not
12 the candidate's name appears on the primary ballot, or the candidate withdraws
13 subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in
14 the election. Each report filed shall contain all contributions received and
15 expenditures made in furtherance of the candidate's nomination or election by the
16 candidate himself or, with the knowledge of the candidate, by any other person or
17 groups of persons, which shall be complete, except as otherwise provided in this
18 section through and including the seventh day immediately preceding the day by
19 which that report is to be filed. The initial report filed shall contain all contributions
20 so received and expenditures so made since the date of the last preceding election to
21 fill the office for which he is a candidate. Each subsequent report shall contain all
22 contributions so received and expenditures so made since the end of the period for
23 which the last preceding report is filed. Even if no contributions or expenditures have
24 been made since the end of the period for which the last preceding report was filed, a
25 statement to that effect must be filed on the forms prescribed pursuant to § 13-402 of
26 this subtitle under the circumstances and at the times specified in this section. The
27 initial and subsequent reports shall be consecutively filed as follows:

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

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

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

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

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

39 (6) If a cash balance exists or if any unpaid bills or deficits remain to be
40 paid as of the end of the period for which the report or statement in paragraph (5) of

1 this subsection or any subsequent report or statement is filed, annually on the
2 anniversary of the general election until no cash balance, unpaid bill, or deficit
3 remains; and

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

8 (8) If a candidate does not intend to receive contributions or make
9 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may
10 jointly execute an affidavit to that effect on a form prescribed by the State Board. If
11 he does not in fact receive contributions or make expenditures of \$1,000 or more, no
12 further reports need be filed pursuant to this section. The affidavit shall be filed not
13 later than the date by which the first report is due. If at any time the cumulative
14 contributions to or expenditures by a candidate who has filed such an affidavit equal
15 or exceed \$1,000, he and his treasurer shall thereafter file all reports required by this
16 section and failure to do so constitutes a failure to file and the commission of a
17 misdemeanor subject to the penalties prescribed in § 13-603 of this title.

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

21 (1) THE CONTRIBUTION IS IN THE AMOUNT OF \$501 OR MORE;

22 (2) THE CONTRIBUTOR HAS CONTRIBUTED TO THE CANDIDATE OR
23 COMMITTEE, DURING THE 4-YEAR ELECTION CYCLE IN WHICH THE CONTRIBUTION
24 IS MADE, A CUMULATIVE AMOUNT OF \$501 OR MORE; AND

25 (3) THE CONTRIBUTOR'S OCCUPATION AND EMPLOYER, IF ANY, ARE
26 KNOWN TO THE CANDIDATE, CHAIRMAN, OR TREASURER.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1999.