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By: **Delegates Pitkin, Bobo, Bronrott, Clagett, Hubbard, and Zirkin**

Introduced and read first time: February 11, 1999

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Election Laws - State Officeholders - Convening of General Assembly**  
3                                   **Session - Report of Contributions and Expenditures**

4 FOR the purpose of requiring the Governor, Lieutenant Governor, Attorney General,  
5 and members and members-elect of the General Assembly, and their political  
6 committees, to report, by a certain date following the convening of the annual  
7 regular Session of the General Assembly, certain contributions received and  
8 expenditures made during a certain period prior to the Session; altering the  
9 period encompassed by a 4-year election cycle; providing for a delayed effective  
10 date; and generally relating to the reporting, after the convening of the annual  
11 regular Session of the General Assembly, of campaign contributions received and  
12 expenditures made by certain State officeholders during a certain period prior to  
13 the annual legislative Session.

14 BY repealing and reenacting, with amendments,  
15 Article 33 - Election Code  
16 Section 13-212 and 13-401(a)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1998 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article 33 - Election Code  
21 Section 13-213  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1998 Supplement)

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

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**Article 33 - Election Code**

2 13-212.

3 (a) (1) Except as provided in §§ 13-213 and 13-214 of this subtitle, it is  
4 unlawful for any individual, association, unincorporated association, corporation, or  
5 any other entity either directly or indirectly, to contribute any money or thing of value  
6 greater than \$4,000 to any candidate or political committee or to contribute money in  
7 excess of \$100 except by check in any 4-year election cycle. Contributions may be  
8 made by credit card, not to exceed \$100 per transaction, to any candidate or political  
9 committee under this subsection. Total contributions by a contributor under this  
10 subsection shall not exceed \$10,000 in any 4-year election cycle.

11 (2) Notwithstanding any other provision of this article, the limit on  
12 contributions during a 4-year election cycle by the governing body for a political party  
13 or local central committee shall be as follows:

14 (i) For a statewide governing body for a political party, not more  
15 than \$1 for every two registered voters in the State, regardless of party affiliation, as  
16 of [January 1 following the preceding gubernatorial election] THE END OF THE DAY  
17 THAT PRECEDES THE COMMENCEMENT OF A TERM OF THE GENERAL ASSEMBLY; and

18 (ii) For the governing body of a local central committee for a  
19 political party, not more than \$1 for every two registered voters in the county,  
20 regardless of party affiliation, as of [January 1 following the preceding gubernatorial  
21 election] THE END OF THE DAY THAT PRECEDES THE COMMENCEMENT OF A TERM  
22 OF THE GENERAL ASSEMBLY.

23 (3) (i) The limitations set forth in paragraph (1) of this subsection and  
24 § 13-213 of this subtitle shall apply to each 4-year election cycle beginning on  
25 [January 1 following the gubernatorial election and continuing until December 31  
26 that is 4 years later] THE DAY OF THE COMMENCEMENT OF A TERM OF THE  
27 GENERAL ASSEMBLY AND CONTINUING UNTIL THE END OF THAT TERM.

28 (ii) Without regard to when a contribution or transfer is expended  
29 or used, the contribution or transfer shall be charged against the limitation for the  
30 election cycle in which:

31 1. The check is written or dated; or

32 2. The cash or other thing of value is received.

33 (b) Except as otherwise provided by law, an individual, association,  
34 unincorporated association, corporation, or other entity may make contributions in  
35 accordance with the limitations on contributions set forth in this section, provided  
36 that, for the purpose of determining the maximum amount that a corporation may  
37 contribute, a contribution by a corporation and any wholly owned subsidiary of the  
38 corporation or 2 or more corporations owned by the same stockholders shall be  
39 considered as being made by 1 contributor.

1 13-213.

2 (a) In this subsection, "political committee" includes a political committee  
3 registered under § 13-202 of this subtitle and an out-of-state political committee.

4 (b) Except as provided in subsection (c) of this section, during a 4-year  
5 election cycle the treasurer of a political committee or the treasurer of a candidate  
6 may not directly or indirectly transfer any money greater than \$6,000 to the treasurer  
7 or political committee of a candidate or any other political committee.

8 (c) The limitations on transfers and the provisions on affiliations set forth in  
9 this subsection may not apply to:

10 (1) Transfers between and among political committees that are State or  
11 local committees of the same political party;

12 (2) Transfers between and among a slate and its candidate members;  
13 and

14 (3) Transfers between a campaign committee authorized by a candidate  
15 and that candidate's treasurer.

16 (d) In applying the limitations of this subsection, all affiliated political  
17 committees are treated as a single transferor. Political committees are "affiliated" if  
18 they are organized and operated in coordination and cooperation with each other or  
19 otherwise conduct their operations and make their contribution decisions under the  
20 control of the same individual or entity.

21 (e) The limitations on transfers to the treasurer or political committee of a  
22 candidate set forth in subsection (b) of this section shall apply to the individual  
23 regardless of the number of offices for which that individual files a certificate of  
24 candidacy within a 4-year election cycle.

25 (f) No transfer of any kind, in any amount, is permitted if it is intended to  
26 conceal the true identity of the actual contributor or the identity of the intended  
27 recipient.

28 13-401.

29 (a) A candidate for nomination or election to public or party office, including  
30 write-in candidates, and the treasurer designated by that candidate shall file the  
31 report or statement of contributions and expenditures as prescribed in accordance  
32 with § 13-402 of this subtitle with the board at which the candidate filed his  
33 certificate of candidacy. All reports or statements of contributions and expenditures  
34 shall be filed in duplicate except those filed with the State Board. Election reports as  
35 specified below are required by all candidates for public or party office whether or not  
36 the candidate's name appears on the primary ballot, or the candidate withdraws  
37 subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in  
38 the election. Each report filed shall contain all contributions received and  
39 expenditures made in furtherance of the candidate's nomination or election by the

1 candidate himself or, with the knowledge of the candidate, by any other person or  
2 groups of persons, which shall be complete, except as otherwise provided in this  
3 section through and including the seventh day immediately preceding the day by  
4 which that report is to be filed. The initial report filed shall contain all contributions  
5 so received and expenditures so made since the date of the last preceding election to  
6 fill the office for which he is a candidate. Each subsequent report shall contain all  
7 contributions so received and expenditures so made since the end of the period for  
8 which the last preceding report is filed. Even if no contributions or expenditures have  
9 been made since the end of the period for which the last preceding report was filed, a  
10 statement to that effect must be filed on the forms prescribed pursuant to § 13-402 of  
11 this subtitle under the circumstances and at the times specified in this section. The  
12 initial and subsequent reports shall be consecutively filed as follows:

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

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

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

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

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

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

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

33 (8) FOR THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE ATTORNEY  
34 GENERAL, OR A MEMBER OR MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND ANY  
35 POLITICAL COMMITTEE OF THESE INDIVIDUALS, NO LATER THAN THE THIRD  
36 MONDAY AFTER THE CONVENING OF A REGULAR SESSION OF THE GENERAL  
37 ASSEMBLY FOR CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE FROM THE  
38 END OF THE PERIOD COVERED BY THE LAST PRECEDING REPORT REQUIRED UNDER  
39 PARAGRAPHS (1) THROUGH (7) OF THIS SUBSECTION UP TO, BUT NOT INCLUDING,  
40 THE FIRST DAY OF THE REGULAR LEGISLATIVE SESSION; AND

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

11        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 with the commencement of the General Assembly term that begins on January 8,  
13 2003.