

HOUSE BILL 1050

Unofficial Copy
G1
HB 1266/98 - CGM

1999 Regular Session
9r2400

By: **Delegate Getty**

Introduced and read first time: February 18, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Campaign Finance Reports - Identity of Contributors**

3 FOR the purpose of requiring that the full name, mailing address, and amount of
4 contribution of each contributor be identified in certain campaign finance
5 reports; and generally relating to the requirements for filing reports of
6 contributions and expenditures.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 13-206(b) and 13-401(a)
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 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 13-206.

16 (b) (1) Upon receipt and before depositing a contribution, including the
17 proceeds of ticket sales, a "campaign contribution receipt", in a form prescribed by the
18 State Board, shall be issued and delivered either by mail or in person by the treasurer
19 or subtreasurer (i) to each person or treasurer of a committee, group, or organization
20 in whose name a contribution or contributions, other than the purchase of tickets, are
21 made in the individual or cumulative amount of \$51 or more; (ii) to each person or
22 treasurer of a committee, group, or organization in whose name a ticket or tickets are
23 purchased for any dinner, testimonial, cocktail party, barbecue, crab feast, or other
24 campaign-related function in the individual amount of \$51 or more or in the
25 cumulative amount of \$251 or more. Upon request, a receipt must be given for any
26 lesser amount.

27 (2) If such contribution is received by a subtreasurer, he shall forward
28 the contribution and a duplicate copy of the "campaign contribution receipt", ALONG
29 WITH REQUIRED INFORMATION RELATING TO CONTRIBUTIONS FOR WHICH A

1 RECEIPT IS NOT REQUIRED, with his report to the treasurer of the candidate or
2 committee for which he is subtreasurer, as required by §§ 13-401 and 13-402 of this
3 title.

4 (3) The treasurer shall retain all "campaign contribution receipts" with
5 his books and records as required by subsection (a) of this section and report the
6 information therein, **ALONG WITH REQUIRED INFORMATION RELATING TO**
7 **CONTRIBUTIONS FOR WHICH A RECEIPT IS NOT REQUIRED**, in the statement of
8 contributions and expenditures required by §§ 13-401 and 13-402 of this title.

9 (4) The "campaign contribution receipt" issued to a contributor shall
10 serve as evidence of a contribution by such contributor.

11 13-401.

12 (a) A candidate for nomination or election to public or party office, including
13 write-in candidates, and the treasurer designated by that candidate shall file the
14 report or statement of contributions and expenditures as prescribed in accordance
15 with § 13-402 of this subtitle with the board at which the candidate filed his
16 certificate of candidacy. All reports or statements of contributions and expenditures
17 shall be filed in duplicate except those filed with the State Board. Election reports as
18 specified below are required by all candidates for public or party office whether or not
19 the candidate's name appears on the primary ballot, or the candidate withdraws
20 subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in
21 the election. Each report filed shall contain all contributions received and
22 expenditures made in furtherance of the candidate's nomination or election by the
23 candidate himself or, with the knowledge of the candidate, by any other person or
24 groups of persons, which shall be complete, except as otherwise provided in this
25 section through and including the seventh day immediately preceding the day by
26 which that report is to be filed. **EACH CONTRIBUTOR SHALL BE IDENTIFIED BY FULL**
27 **NAME, MAILING ADDRESS, AND THE AMOUNT OF CONTRIBUTION.** The initial report
28 filed shall contain all contributions so received and expenditures so made since the
29 date of the last preceding election to fill the office for which he is a candidate. Each
30 subsequent report shall contain all contributions so received and expenditures so
31 made since the end of the period for which the last preceding report is filed. Even if no
32 contributions or expenditures have been made since the end of the period for which
33 the last preceding report was filed, a statement to that effect must be filed on the
34 forms prescribed pursuant to § 13-402 of this subtitle under the circumstances and at
35 the times specified in this section. The initial and subsequent reports shall be
36 consecutively filed as follows:

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

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

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

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1999.