

SENATE BILL 150

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1999 Regular Session
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CF 9r1652

By: **Senators Frosh, Van Hollen, Sfikas, Pinsky, and Dyson**

Introduced and read first time: January 27, 1999

Assigned to: Economic and Environmental Affairs

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 or political committee, the report shall
5 identify each contributor by name, address, and, if any, occupation and
6 employer; providing that a candidate, chairman, or treasurer is deemed to be in
7 compliance with this Act if certain actions are taken; and generally relating to
8 the inclusion of certain information regarding certain contributions on campaign
9 contribution reports.

10 BY repealing and reenacting, without amendments,
11 Article 33 - Election Code
12 Section 13-401(a)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1998 Supplement)

15 BY adding to
16 Article 33 - Election Code
17 Section 13-401(a-2)
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

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

22 **Article 33 - Election Code**

23 13-401.

24 (a) A candidate for nomination or election to public or party office, including
25 write-in candidates, and the treasurer designated by that candidate shall file the
26 report or statement of contributions and expenditures as prescribed in accordance
27 with § 13-402 of this subtitle with the board at which the candidate filed his
28 certificate of candidacy. All reports or statements of contributions and expenditures

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

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

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

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

24 (4) 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 (3) of
26 this subsection is filed, six months after the general election; and

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

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

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

39 (8) If a candidate does not intend to receive contributions or make
40 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may
41 jointly execute an affidavit to that effect on a form prescribed by the State Board. If
42 he does not in fact receive contributions or make expenditures of \$1,000 or more, no

1 further reports need be filed pursuant to this section. The affidavit shall be filed not
2 later than the date by which the first report is due. If at any time the cumulative
3 contributions to or expenditures by a candidate who has filed such an affidavit equal
4 or exceed \$1,000, he and his treasurer shall thereafter file all reports required by this
5 section and failure to do so constitutes a failure to file and the commission of a
6 misdemeanor subject to the penalties prescribed in § 13-603 of this title.

7 (A-2) (1) IN REPORTING A CONTRIBUTION UNDER THIS SECTION, THE REPORT
8 SHALL INCLUDE THE IDENTITY OF THE CONTRIBUTOR BY FULL NAME, MAILING
9 ADDRESS, AND, IF ANY, OCCUPATION AND EMPLOYER, IF:

10 (I) THE CONTRIBUTION IS IN THE AMOUNT OF \$251 OR MORE; OR

11 (II) THE CONTRIBUTOR HAS CONTRIBUTED TO THE CANDIDATE OR
12 COMMITTEE, DURING THE 4-YEAR ELECTION CYCLE IN WHICH THE CONTRIBUTION
13 IS MADE, A CUMULATIVE AMOUNT OF \$251 OR MORE.

14 (2) (I) A CANDIDATE, CHAIRMAN, OR TREASURER IS IN COMPLIANCE
15 WITH THIS SUBSECTION IF THE CANDIDATE, CHAIRMAN, OR TREASURER SHOWS
16 THAT BEST EFFORTS HAVE BEEN MADE TO OBTAIN, MAINTAIN, AND SUBMIT THE
17 INFORMATION REQUIRED BY THIS SUBSECTION.

18 (II) THE CANDIDATE, CHAIRMAN, OR TREASURER SHALL BE
19 DEEMED TO HAVE EXERCISED BEST EFFORTS TO OBTAIN, MAINTAIN, AND SUBMIT
20 THE INFORMATION REQUIRED BY THIS SUBSECTION IF:

21 1. EACH INITIAL WRITTEN SOLICITATION FOR
22 CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE INFORMATION REQUIRED IN
23 PARAGRAPH (1) OF THIS SUBSECTION OR A FOLLOW-UP REQUEST IS MADE WHEN
24 NECESSARY TO OBTAIN THE INFORMATION; AND

25 2. THE REQUIRED INFORMATION IS TIMELY REPORTED,
26 INCLUDING AN AMENDED REPORT TO DISCLOSE ANY REQUIRED INFORMATION
27 OBTAINED BY A FOLLOW-UP REQUEST AND ANY OTHER PREVIOUSLY UNDISCLOSED
28 REQUIRED INFORMATION.

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