

BY: Delegate Dembrow

AMENDMENTS TO SENATE BILL NO. 381  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before "Identification" insert "Candidate"; in the same line, after "Identification" insert "and State Officeholder Reporting Requirements"; in line 10, before "defining" insert "requiring the Governor, Lieutenant Governor, Attorney General, Comptroller, and members of the General Assembly, and affiliated campaign fund-raising entities, to report by a certain date following the convening of a regular legislative session a statement of contributions and transfers received during a prescribed time frame prior to the session if the amount of contributions and transfers exceed a specified sum; requiring the report of contributions and transfers to be filed electronically as specified by the State Board of Elections; providing for the application of this Act;"; and in line 22, after "1-101(y)" insert "and 13-401(m)".

On page 2, after line 5, insert:

"BY repealing and reenacting, without amendments,  
Article 33 - Election Code  
Section 13-401(a)  
Annotated Code of Maryland  
(1997 Replacement Volume and 1999 Supplement)".

AMENDMENT NO. 2

On page 3, after line 31, insert:

"13-401.

(a) A candidate for nomination or election to public or party office, including write-in candidates, and the treasurer designated by that candidate shall file the report or statement of

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

- (1) No later than the fourth Tuesday immediately preceding any primary election;  
and
- (2) No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday; and
- (3) No later than the third Tuesday after the general election; and
- (4) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in paragraph (3) of this subsection is filed, six months after the general election; and
- (5) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in paragraph (4) of this subsection is filed, one year after the general election; and

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

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

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

(M) (1) THIS SUBSECTION APPLIES TO:

(I) THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE ATTORNEY GENERAL, THE COMPTROLLER, AND A MEMBER OF THE GENERAL ASSEMBLY; AND

(II) ANY CAMPAIGN FUND-RAISING ENTITY AFFILIATED WITH AN OFFICEHOLDER LISTED IN ITEM (I) OF THIS PARAGRAPH.

(2) IN ADDITION TO ANY REPORT REQUIRED UNDER SUBSECTION (A), (B), OR (D) OF THIS SECTION, ON OR BEFORE THE THIRD MONDAY FOLLOWING THE CONVENING OF A REGULAR SESSION OF THE GENERAL ASSEMBLY, AN

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OFFICEHOLDER AND FUND-RAISING ENTITY THAT IS SUBJECT TO THIS SUBSECTION SHALL FILE A STATEMENT OF CONTRIBUTIONS AND TRANSFERS RECEIVED BY THAT PERSON THAT COVERS THE PERIOD SINCE THE END OF THE PERIOD ENCOMPASSED BY THE LAST PRECEDING REPORT FILED UNDER THIS TITLE AND CONTINUING THROUGH, BUT NOT INCLUDING, THE FIRST DAY OF THE REGULAR LEGISLATIVE SESSION IF THE OFFICEHOLDER OR FUND-RAISING ENTITY RECEIVED AGGREGATE CONTRIBUTIONS AND TRANSFERS IN EXCESS OF \$1,000 SINCE THE PERIOD COVERED BY THE LAST REPORT FILED UNDER THIS TITLE.

(3) A STATEMENT OF CONTRIBUTIONS AND TRANSFERS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE ELECTRONICALLY FILED IN A FORMAT SPECIFIED BY THE STATE BOARD.

SECTION 3. AND BE IT FURTHER ENACTED, That the additional reporting requirement imposed under Article 33, § 13-401(m) as enacted by Section 2 of this Act shall take effect with the commencement of the General Assembly term that begins on January 8, 2003.”;

and in line 32, strike “3.” and substitute “4.”; and in the same line, after “That” insert “, subject to the provisions of Section 3 of this Act,”.