

HOUSE BILL 71
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2000 Regular Session
0lr0540

(PRE-FILED)

By: **Delegate Arnick**

Requested: September 15, 1999

Introduced and read first time: January 12, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Restriction on Fund-Raising - Legislative Session**

3 FOR the purpose of prohibiting a candidate who has filed a certificate of candidacy for
4 certain State offices, or a person acting on behalf of the candidate, from
5 engaging in certain fund-raising activities during the regular session of the
6 General Assembly; prescribing certain penalties; making stylistic changes; and
7 generally relating to the restriction of campaign fund-raising activities during
8 the regular legislative session.

9 BY repealing and reenacting, with amendments,
10 Article 33 - Election Code
11 Section 13-215
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1999 Supplement)

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

16 **Article 33 - Election Code**

17 13-215.

18 (a) (1) [Except as provided in subsection (b) of this section, during a regular
19 session of the General Assembly, the] THIS SUBSECTION APPLIES TO:

20 (I) AN INDIVIDUAL SERVING AS Governor, [the] Lieutenant
21 Governor, [the] Attorney General, [the] Comptroller, OR a member of the General
22 Assembly[.];

23 (II) A CANDIDATE WHO HAS FILED A CERTIFICATE OF CANDIDACY
24 FOR ANY OFFICE LISTED IN ITEM (I) OF THIS PARAGRAPH; [or a] AND

25 (III) A person acting on behalf of [any of these officeholders,] AN
26 OFFICEHOLDER OR CANDIDATE LISTED UNDER ITEM (I) OR (II) OF THIS PARAGRAPH.

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DURING
2 A REGULAR SESSION OF THE GENERAL ASSEMBLY, A PERSON SUBJECT TO THIS
3 SUBSECTION may not:

4 [(1)] (I) Receive a contribution for any candidate for federal, State, or
5 local office, any authorized candidate campaign committee, or any political committee
6 organized under § 13-202 of this subtitle and operated in coordination with a
7 candidate;

8 [(2)] (II) Conduct any fund-raising event in order to receive a
9 contribution for any candidate for federal, State, or local office, any authorized
10 candidate campaign committee, or any political committee organized under § 13-202
11 of this subtitle and operated in coordination with a candidate;

12 [(3)] (III) Solicit or sell a ticket to any fund-raising event for any
13 candidate for federal, State, or local office, any authorized candidate campaign
14 committee, or any political committee organized under § 13-202 of this subtitle and
15 operated in coordination with a candidate; or

16 [(4)] (IV) Deposit any contribution received before the convening of the
17 regular session for any candidate for federal, State, or local office, any authorized
18 candidate campaign committee, or any political committee organized under § 13-202
19 of this subtitle and operated in coordination with a candidate.

20 (b) (1) (i) This paragraph applies to an individual who is serving as
21 Governor, Lieutenant Governor, Attorney General, Comptroller, or a member of the
22 General Assembly and who has properly filed as a candidate for an elective federal or
23 local government office.

24 (ii) An individual subject to this paragraph, or a person acting on
25 behalf of that individual, may:

26 1. Accept and deposit a contribution solely for purposes
27 relating to the election of the individual to a federal or local government office;

28 2. Conduct a fund-raising event in order to receive a
29 contribution solely for a purpose that relates to the election of the individual to a
30 federal or local government office; and

31 3. Solicit or sell a ticket to a fund-raising event solely for a
32 purpose that relates to the election of the individual to a federal or local government
33 office.

34 (2) (i) This paragraph applies to an eligible candidate who has applied
35 for and accepts a public contribution from the Fair Campaign Financing Fund under
36 the Fair Campaign Financing Act.

37 (ii) During the year of the election only, an eligible candidate
38 subject to this paragraph may accept an eligible private contribution and any

1 disbursement of funds by the State Board that are based on the eligible private
2 contributions.

3 (c) (1) If a person violates any of the provisions of this section, the person's
4 committee is liable for a civil penalty as provided in this subsection.

5 (2) For any violation of this section, the State Board, represented by the
6 State Prosecutor, may institute a civil action in the circuit court for any county
7 seeking the civil penalty provided in paragraph (3) of this subsection.

8 (3) For any contribution received in violation of this section, the
9 committee that received the contribution shall:

10 (i) Refund the contribution to the contributor; and

11 (ii) Pay a civil penalty of \$1,000 and the amount of the contribution.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.