

HOUSE BILL 755

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HB 563/99 - CGM

2000 Regular Session  
0lr1849  
CF 0lr1986

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By: **Delegates Bronrott, Barve, Benson, Bobo, Clagett, Dypski, Giannetti,  
Goldwater, Heller, Hubbard, Hurson, Kagan, Kopp, Mandel, McIntosh,  
Paige, Pitkin, Shriver, and Zirkin**

Introduced and read first time: February 10, 2000  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Contribution Reports - Contributor Information**

3 FOR the purpose of requiring that reports by a candidate or a political committee of  
4 certain contributions that are received by a candidate or political committee  
5 shall contain certain information about the contributor; providing that a  
6 candidate, chairman, or treasurer is deemed to be in compliance with this Act if  
7 certain actions are taken; and generally relating to the inclusion of certain  
8 information regarding contributions on campaign contribution reports.

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

14 BY adding to  
15 Article 33-Election Code  
16 Section 13-401(a-2)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1999 Supplement)

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

21 **Article 33 - Election Code**

22 13-401.

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

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

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

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

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

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

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

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

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

40           (8)       If a candidate does not intend to receive contributions or make  
41 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may  
42 jointly execute an affidavit to that effect on a form prescribed by the State Board. If

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

8 (A-2) (1) THE CAMPAIGN REPORT FILED UNDER THIS SECTION SHALL  
9 INCLUDE THE FULL NAME, MAILING ADDRESS, AND, IF APPLICABLE, THE  
10 OCCUPATION AND EMPLOYER OF EACH CONTRIBUTOR THAT MAKES:

11 (I) A CONTRIBUTION IN THE AMOUNT OF \$251 OR MORE; OR

12 (II) TWO OR MORE CONTRIBUTIONS DURING THE APPLICABLE  
13 4-YEAR ELECTION CYCLE THAT CUMULATIVELY MEET OR EXCEED AN AMOUNT OF  
14 \$251 OR MORE.

15 (2) (I) A CANDIDATE, CHAIRMAN, OR TREASURER MAY COMPLY WITH  
16 THIS SUBSECTION BY DEMONSTRATING THAT BEST EFFORTS HAVE BEEN MADE TO  
17 OBTAIN, MAINTAIN, AND SUBMIT THE INFORMATION REQUIRED BY THIS  
18 SUBSECTION.

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

22 1. EACH INITIAL WRITTEN SOLICITATION FOR  
23 CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE INFORMATION REQUIRED IN  
24 PARAGRAPH (1) OF THIS SUBSECTION;

25 2. A FOLLOW-UP REQUEST IS MADE TO OBTAIN THE  
26 REQUIRED INFORMATION AND A TIMELY AMENDED REPORT IS FILED CONTAINING  
27 ANY REQUIRED INFORMATION OBTAINED BY A FOLLOW-UP REQUEST; OR

28 3. AN AMENDED REPORT CONTAINING ANY OTHER  
29 PREVIOUSLY UNDISCLOSED REQUIRED INFORMATION IS FILED IN A TIMELY  
30 MANNER.

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