
By: **Delegates Glassman, Dembrow, James, Riley, Parrott, Boutin, Elliott, Zirkin, Cryor, Hubers, Dypski, Getty, Mandel, Bobo, Kopp, Shriver, Giannetti, Brinkley, Pitkin, Stull, Eckardt, Shank, McKee, and Donoghue**

Introduced and read first time: February 1, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance Law - State Officeholders - Reporting Requirement**
3 **Following Convening of the Legislative Session**

4 FOR the purpose of requiring the Governor, Lieutenant Governor, Attorney General,
5 Comptroller, and members of the General Assembly, and affiliated campaign
6 fund-raising entities, to report by a certain date following the convening of a
7 regular legislative session a statement of contributions and transfers received
8 during a prescribed time frame prior to the session if the amount of
9 contributions and transfers exceed a specified sum; requiring the report of
10 contributions and transfers to be filed electronically as specified by the State
11 Board of Elections; providing for the application of this Act; making the
12 requirement regarding the filing of a certain report specified by this Act to take
13 effect as of a certain date; and generally relating to the reporting of certain
14 contributions and transfers during the period preceding the start of a regular
15 legislative session.

16 BY repealing and reenacting, without amendments,
17 Article 33 - Election Code
18 Section 13-401(a)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article 33 - Election Code
23 Section 13-401(m)
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 2000 Supplement)

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

1

Article 33 - Election Code

2 13-401.

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

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

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

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

31 (4) 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 (3) of
33 this subsection is filed, six months after the general election; and

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

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

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

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

15 (M) (1) THIS SUBSECTION APPLIES TO:

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

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

20 (2) IN ADDITION TO ANY REPORT REQUIRED UNDER SUBSECTION (A), (B),
21 OR (D) OF THIS SECTION, ON OR BEFORE THE THIRD MONDAY FOLLOWING THE
22 CONVENING OF A REGULAR SESSION OF THE GENERAL ASSEMBLY, AN
23 OFFICEHOLDER AND FUND-RAISING ENTITY THAT IS SUBJECT TO THIS SUBSECTION
24 SHALL FILE A STATEMENT OF CONTRIBUTIONS AND TRANSFERS RECEIVED BY THAT
25 PERSON THAT COVERS THE PERIOD SINCE THE END OF THE PERIOD ENCOMPASSED
26 BY THE LAST PRECEDING REPORT FILED UNDER THIS TITLE AND CONTINUING
27 THROUGH, BUT NOT INCLUDING, THE FIRST DAY OF THE REGULAR LEGISLATIVE
28 SESSION IF THE OFFICEHOLDER OR FUND-RAISING ENTITY RECEIVED AGGREGATE
29 CONTRIBUTIONS AND TRANSFERS IN EXCESS OF \$5,000 SINCE THE PERIOD COVERED
30 BY THE LAST REPORT FILED UNDER THIS TITLE.

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That the additional reporting
35 requirement imposed under Article 33, § 13-401(m) as enacted by Section 1 of this Act
36 shall take effect with the commencement of the General Assembly term that begins on
37 January 8, 2003.

38 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
39 of Section 2 of this Act, this Act shall take effect October 1, 2001.