

HOUSE BILL 394

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HB 621/00 - CGM

2001 Regular Session  
11r0368

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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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 6, 2001

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CHAPTER \_\_\_\_\_

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

1 Section 13-401(m)  
2 Annotated Code of Maryland  
3 (1997 Replacement Volume and 2000 Supplement)

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

6 **Article 33 - Election Code**

7 13-401.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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