

SENATE BILL 75

Unofficial Copy
G2

2001 Regular Session
11r0346
CF 11r0347

(PRE-FILED)

By: **The President and Senators Collins and Frosh (Study Commission on
Lobbyist Ethics)**

Requested: July 27, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2001

CHAPTER _____

1 AN ACT concerning

2 **Ethics Law - Lobbyist Ethics Reform**

3 FOR the purpose of modifying, clarifying, and expanding provisions of the Maryland
4 Public Ethics Law relating to regulated lobbyists and lobbying activities;
5 extending for a certain period of time the period in which a criminal prosecution
6 for a violation of the Public Ethics Law may be instituted; requiring the State
7 Ethics Commission to provide certain staff resources under certain
8 circumstances; requiring the Commission to provide a certain training course
9 for regulated lobbyists and prospective regulated lobbyists under certain
10 circumstances; requiring regulated lobbyists to attend a certain training course
11 within a certain period of time; requiring the Commission to provide certain
12 information relating to certain provisions of the Public Ethics Law; authorizing
13 the Commission to require certain regulated lobbyists to file certain reports or
14 information with the Commission, impose certain fines, and suspend the
15 registration of regulated lobbyists under certain circumstances; authorizing the
16 Commission to suspend or revoke the registration of regulated lobbyists under
17 certain circumstances; prohibiting regulated lobbyists whose registrations are
18 suspended or revoked from engaging in lobbying for compensation; requiring the
19 Commission to initiate certain complaints within a certain period of time;
20 establishing a procedure for reinstatement of a lobbyist whose registration has
21 been suspended or revoked; altering certain requirements relating to
22 registration as a regulated lobbyist; altering certain exceptions from the
23 registration requirement; altering certain notice and reporting requirements for
24 the termination of registration; ~~requiring certain regulated lobbyists to~~
25 ~~terminate registration under certain circumstances~~ prohibiting a regulated
26 lobbyist from serving on certain boards or commissions under certain

circumstances; requiring certain individual regulated lobbyists to file a certain report with the Commission disclosing certain political contributions; establishing certain procedures for reporting by regulated lobbyists of meals and receptions to which are invited all members of a legislative unit; requiring the Commission to develop procedures for electronic filing and public inspection of certain reports of certain regulated lobbyists; prohibiting certain activities by certain regulated lobbyists engaging in certain lobbying activities; prohibiting certain regulated lobbyists from organizing or establishing certain political committees or forwarding certain tickets to a potential contributor; requiring certain persons who compensate a regulated lobbyist and who make certain contributions under certain circumstances to file a report with the State Board of Elections; specifying that certain contributions are attributable to certain entities for the purposes of the report; requiring disclosure of certain contributions from certain persons involved in certain business entities to the chief executive officer of the entity; increasing and establishing certain criminal penalties; making stylistic changes; defining certain terms; providing for the effective date of this Act; and generally relating to the regulation of lobbyists under the Public Ethics Law.

19 BY renumbering

20 Article - State Government
21 Section 15-705 through 15-707, respectively
22 to be Section 15-712 through 15-714, respectively
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2000 Supplement)

25 BY repealing

26 Article 33 - Election Code
27 Section 13-201(a)(4)
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 2000 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Courts and Judicial Proceedings
32 Section 5-106(f)
33 Annotated Code of Maryland
34 (1998 Replacement Volume and 2000 Supplement)

35 BY repealing and reenacting, without amendments,

36 Article - State Government
37 Section 15-102(m) and (w), 15-205(a)(6), (c), and (d), 15-401, 15-403, 15-404,
38 and 15-406
39 Annotated Code of Maryland
40 (1999 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 15-204(d), 15-205(e), 15-405, 15-505(a), 15-701, 15-703(f), 15-704,
4 and 15-903
5 Annotated Code of Maryland
6 (1999 Replacement Volume and 2000 Supplement)

7 BY adding to
8 Article - State Government
9 Section 15-205(e), 15-501(d), 15-707 through 15-709, and 15-715
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2000 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 15-712(b), 15-713, and 15-714
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)
17 (As enacted by Section 1 of this Act)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That Section(s) 15-705 through 15-707, respectively, of Article - State
20 Government of the Annotated Code of Maryland be renumbered to be Section(s)
21 15-712 through 15-714, respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article 33 - Election Code**

25 13-201.

26 (a) [(4) (i) 1. In this paragraph "lobbyist" means a regulated lobbyist who
27 is described in § 15-701(a)(1), (2), or (3) of the State Government Article.

28 2. A lobbyist, or a person acting on behalf of a lobbyist, may
29 not organize or establish a political committee for the purpose of soliciting or
30 transmitting contributions or transfers from any person to the Governor, Lieutenant
31 Governor, Attorney General, Comptroller, or member of the General Assembly or
32 candidate for election to the office of Governor, Lieutenant Governor, Attorney
33 General, Comptroller, or member of the General Assembly.

34 (ii) This paragraph may not be construed to prohibit a lobbyist
35 from:

36 1. Being a candidate; or

1 2. Making a personal contribution within the limitations
2 established under this article.]

3 **Article - Courts and Judicial Proceedings**

4 5-106.

5 (f) A prosecution for the commission of or the attempt to commit a
6 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
7 criminal offense under the State election laws; or (2) a criminal offense under the
8 [State conflict of interest laws] MARYLAND PUBLIC ETHICS LAW; or (3) criminal
9 malfeasance, misfeasance, or nonfeasance in office committed by an officer of the
10 State, or of an agency of the State, or of a political subdivision of the State, or of a
11 bicounty or multicounty agency in the State shall be instituted within 2 years after
12 the offense was committed.

13 Article - State Government

14 15-102.

15 (m) (1) "Executive unit" means a department, agency, commission, board,
16 council, or other body of State government that:

17 (i) is established by law; and

18 (ii) is not in the Legislative Branch or the Judicial Branch of State
19 government.

20 (2) "Executive unit" includes a county health department unless the
21 officials and employees of the department are expressly designated as "local officials"
22 in § 15-807 of this title.

23 (w) "Legislative unit" means:

24 (1) the General Assembly;

25 (2) either house of the General Assembly;

26 (3) a standing committee of the General Assembly, provided that the
27 presiding officer of the House of Delegates or Senate shall be deemed an ex officio
28 member of any standing committee of the presiding officer's chamber; or

29 (4) a county or regional delegation of members of the General Assembly
30 that is recognized by a presiding officer of the General Assembly.

31 15-204.

32 (d) (1) The Ethics Commission:

33 (i) shall appoint to serve at its pleasure:

1. an executive director;
2. a general counsel; and
3. a staff counsel; and

(ii) shall have other staff, INCLUDING SUCH COUNSEL AS MAY BE REQUIRED TO ADVISE PERSONS WHO ARE SUBJECT TO THE JURISDICTION OF THE ETHICS COMMISSION, in accordance with the State budget.

(2) The general counsel and the staff counsel of the Ethics Commission shall be individuals admitted to practice law in the State.

15-205.

(a) The Ethics Commission shall:

(6) publish and make available to persons subject to this title, and to the public, information that explains the provisions of this title, the duties imposed by it, and the means for enforcing it.

(c) (1) The Ethics Commission shall:

(i) compile annually an alphabetized list of entities doing business with the State, as defined in § 15-102 of this title, during the preceding calendar year; and

(ii) make information from the list available to individuals required to file a statement under Subtitle 6 of this title.

(2) The list prepared under paragraph (1) of this subsection shall be available for public inspection by March 1 of each year.

(3) On request of the Ethics Commission, an official or a unit of State government, in a timely manner, shall provide the Commission with any information necessary for the Commission to perform its duties under this subsection.

(d) (1) The Ethics Commission shall provide a training course of not less than 2 hours on the requirements of the Public Ethics Law for an individual who:

(i) fills a vacancy after September 30, 1999 in a position that has been identified as a public official position pursuant to § 15-103 of this title; or

(ii) serves in a position identified after September 30, 1999 as a public official position pursuant to § 15-103 of this title.

(2) An individual specified in paragraph (1) of this subsection shall complete a training course provided by the Ethics Commission within 6 months of filling a vacancy or a position being identified as a public official position.

1 (3) The training requirement under this subsection does not apply to an
2 individual who:

3 (i) is a public official only as a member of a commission, task force,
4 or similar entity; or

5 (ii) has completed a training course provided by the Ethics
6 Commission while serving in another public official position.

7 (E) (1) (I) THE ETHICS COMMISSION SHALL PROVIDE A TRAINING
8 COURSE FOR REGULATED LOBBYISTS AND PROSPECTIVE REGULATED LOBBYISTS AT
9 LEAST TWICE EACH YEAR REGARDING THE PROVISIONS OF THE MARYLAND PUBLIC
10 ETHICS LAW RELEVANT TO REGULATED LOBBYISTS. ONE SUCH COURSE SHALL BE
11 CONDUCTED IN THE MONTH OF JANUARY.

12 (II) A REGULATED LOBBYIST, OTHER THAN THE EMPLOYER OF A
13 REGULATED LOBBYIST AS DESCRIBED IN § 15-701(A)(6) OF THIS TITLE, SHALL ATTEND
14 A TRAINING COURSE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT
15 LEAST ONCE IN ANY 2-YEAR PERIOD DURING WHICH A LOBBYIST HAS REGISTERED
16 WITH THE ETHICS COMMISSION.

17 (2) AT THE TIME OF A PERSON'S INITIAL REGISTRATION AS A
18 REGULATED LOBBYIST, THE ETHICS COMMISSION SHALL PROVIDE THE PERSON
19 WITH INFORMATION RELATING TO THE PROVISIONS OF THE MARYLAND PUBLIC
20 ETHICS LAW RELEVANT TO REGULATED LOBBYISTS.

21 [(e)] (F) Subject to § 2-1246 of this article, the Ethics Commission shall
22 submit to the General Assembly:

23 (1) an annual report on its activities; and

24 (2) based on its investigations and studies, other special reports with
25 recommendations for legislation as may be appropriate.

26 15-401.

27 (a) (1) Any entity may file with the Ethics Commission a written complaint
28 alleging a violation of this title.

29 (2) A complaint filed under this subsection shall be:

30 (i) signed; and

31 (ii) made under oath.

32 (b) The Ethics Commission on its own motion may issue a complaint alleging
33 a violation of this title.

34 (c) The Ethics Commission promptly shall transmit to the respondent a copy
35 of the complaint.

1 15-403.

2 (a) As to a complaint retained by the Ethics Commission under § 15-402(b) of
3 this subtitle, the staff counsel shall collect and refer to the Ethics Commission
4 evidence relating to each violation of this title alleged in the complaint.

5 (b) (1) Prior to submitting the evidence to the Ethics Commission, the staff
6 counsel shall notify the complainant and the respondent.

7 (2) The Commission shall dismiss the complaint in a signed order if:

8 (i) the respondent, within 15 days after receiving the notice, takes
9 any action that may be available to cure each alleged violation; and

10 (ii) it finds that dismissal is not contrary to the purposes of this
11 title.

12 (3) If the complaint is dismissed under this subsection, the Ethics
13 Commission shall promptly send a copy of the order to the complainant and the
14 respondent.

15 (c) If the Ethics Commission determines that the evidence submitted by the
16 staff counsel does not merit further proceedings, the Ethics Commission shall:

17 (1) dismiss the complaint in a signed order; and

18 (2) promptly send a copy of the order to the complainant and the
19 respondent.

20 (d) If a complaint is not dismissed under subsection (b) or (c) of this section,
21 the Ethics Commission shall proceed to a hearing on the complaint.

22 15-404.

23 (a) (1) A hearing on a complaint shall be conducted under Title 10, Subtitle
24 2 (Administrative Procedure Act - Contested Cases) of this article to the extent that
25 subtitle is consistent with this title.

26 (2) In preparation for the hearing, the respondent may use the subpoena
27 power of the Ethics Commission.

28 (b) At the hearing, the staff counsel:

29 (1) shall present to the Ethics Commission all available evidence
30 relating to each alleged violation of this title; and

31 (2) may recommend any disposition of the complaint that appears
32 appropriate to the staff counsel.

33 (c) The respondent may be represented by counsel.

1 15-405.

2 (a) After the Ethics Commission considers all of the evidence presented at the
3 hearing, it shall make findings of fact and conclusions of law with respect to each
4 alleged violation.

5 (b) If the Ethics Commission determines that the respondent has not violated
6 this title, the Ethics Commission shall:

7 (1) dismiss the complaint in a signed order; and

8 (2) promptly send a copy of the order to the complainant and the
9 respondent.

10 (c) If the Ethics Commission determines that the respondent has violated ANY
11 PROVISION OF this title, the Ethics Commission may:

12 (1) issue an order of compliance directing the respondent to cease and
13 desist from the violation;

14 (2) issue a reprimand; or

15 (3) recommend to the appropriate authority other appropriate discipline
16 of the respondent, including censure or removal, if that discipline is authorized by
17 law.

18 (D) IF THE ETHICS COMMISSION DETERMINES THAT A RESPONDENT HAS
19 VIOLATED SUBTITLE 7 OF THIS TITLE, THE ETHICS COMMISSION MAY:

20 (1) REQUIRE A RESPONDENT WHO IS A REGULATED LOBBYIST TO FILE
21 ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY RELATES TO
22 INFORMATION REQUIRED UNDER §§ 15-703 AND 15-704 OF THIS TITLE;

23 (2) IMPOSE A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION; OR

24 (3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SUSPEND THE
25 REGISTRATION OF A REGULATED LOBBYIST.

26 (E) (1) IF THE ETHICS COMMISSION DETERMINES IT NECESSARY TO
27 PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE GOVERNMENTAL
28 PROCESS, THE ETHICS COMMISSION MAY ISSUE AN ORDER TO:

29 (I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGULATED
30 LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL
31 REGULATED LOBBYIST:

32 1. HAS KNOWINGLY AND WILLFULLY VIOLATED SUBTITLE 7
33 OF THIS TITLE; OR

34 2. HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING
35 FROM LOBBYING ACTIVITIES; OR

1 (II) REVOKE THE REGISTRATION OF AN INDIVIDUAL REGULATED
2 LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT, BASED ON ACTS ARISING
3 FROM LOBBYING ACTIVITIES, THE INDIVIDUAL REGULATED LOBBYIST HAS BEEN
4 CONVICTED OF BRIBERY, THEFT, OR OTHER CRIME INVOLVING MORAL TURPITUDE.

5 (2) IF THE COMMISSION SUSPENDS THE REGISTRATION OF AN
6 INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION,
7 THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR
8 COMPENSATION FOR A PERIOD, NOT TO EXCEED 3 YEARS, THAT THE COMMISSION
9 DETERMINES AS TO THAT INDIVIDUAL REGULATED LOBBYIST IS NECESSARY TO
10 SATISFY THE PURPOSES OF THIS SUBSECTION.

11 (3) IF THE COMMISSION REVOKES THE REGISTRATION OF AN
12 INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION,
13 THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR
14 COMPENSATION.

15 (4) IF THE ETHICS COMMISSION INITIATES A COMPLAINT BASED ON A
16 VIOLATION OR CONVICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
17 THE ETHICS COMMISSION SHALL INITIATE THE COMPLAINT WITHIN 2 YEARS OF:

18 (I) THE ETHICS COMMISSION'S KNOWLEDGE OF THE VIOLATION;
19 OR

20 (II) THE DATE THE CONVICTION BECOMES FINAL.

21 (5) THE TERMINATION OR EXPIRATION OF THE REGISTRATION OF AN
22 INDIVIDUAL REGULATED LOBBYIST DOES NOT LIMIT THE AUTHORITY OF THE
23 ETHICS COMMISSION TO ISSUE AN ORDER UNDER THIS SUBSECTION.

24 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL
25 WHOSE REGISTRATION AS AN INDIVIDUAL REGULATED LOBBYIST IS REVOKED OR
26 SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION MAY APPLY TO THE ETHICS
27 COMMISSION FOR REINSTATEMENT.

28 (2) THE ETHICS COMMISSION MAY REINSTATE THE REGISTRATION OF
29 AN INDIVIDUAL WHOSE REGISTRATION AS A REGULATED LOBBYIST HAS BEEN
30 REVOKED OR SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION IF THE
31 COMMISSION DETERMINES THAT REINSTATEMENT OF THE INDIVIDUAL WOULD NOT
32 BE DETRIMENTAL TO THE PUBLIC INTEREST AND THE INTEGRITY OF THE
33 GOVERNMENTAL PROCESS, BASED ON:

34 (I) THE NATURE AND CIRCUMSTANCES OF THE ORIGINAL
35 MISCONDUCT OR VIOLATION LEADING TO REVOCATION OR SUSPENSION;

36 (II) THE INDIVIDUAL'S SUBSEQUENT CONDUCT AND
37 REFORMATION; AND

38 (III) THE PRESENT ABILITY OF THE INDIVIDUAL TO COMPLY WITH
39 THE PROVISIONS OF THE ETHICS LAW.

1 [(d)] (G) (1) If the respondent is a regulated lobbyist, for each report
2 required under Subtitle 7 of this title that is filed late the respondent shall pay a fee
3 of \$10 for each late day, not to exceed a total of \$250.

4 (2) If the respondent is an official, for each financial disclosure
5 statement found to have been filed late, the respondent shall pay a fee of \$2 for each
6 late day, not to exceed a total of \$250.

7 15-406.

8 (a) If the respondent is aggrieved by a final order of the Ethics Commission,
9 the respondent may seek judicial review as provided in Title 10, Subtitle 2 of this
10 article (Administrative Procedure Act -- Contested Cases).

11 (b) (1) The order is stayed automatically until the time for seeking judicial
12 review has expired.

13 (2) If a timely appeal is filed, the order is stayed until final disposition by
14 the court.

15 (c) The Ethics Commission may seek judicial enforcement and other relief as
16 provided under Subtitle 8 of this title.

17 15-501.

18 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
19 REGULATED LOBBYIST MAY NOT SERVE ON A BOARD OR COMMISSION THAT IS AN
20 EXECUTIVE UNIT IF A CONFLICT IS REASONABLY EXPECTED TO OCCUR BETWEEN:

21 (1) THE OFFICIAL STATE DUTIES OF THE LOBBYIST AS AN APPOINTEE
22 TO THE BOARD OR COMMISSION; AND

23 (2) THE PRIVATE INTEREST OF:

24 (I) THE REGULATED LOBBYIST; OR

25 (II) AN ENTITY REPRESENTED BY THE LOBBYIST.

26 15-505.

27 (a) (1) An official or employee may not solicit any gift.

28 (2) [A regulated lobbyist described in subsection (b)(4) of this section
29 may not knowingly make a gift, directly or indirectly, to an official or employee that
30 the regulated lobbyist knows or has reason to know is in violation of this section.

31 (3)] An official may not directly solicit or facilitate the solicitation of a
32 gift, on behalf of another person, from an individual regulated lobbyist described in §
33 15-701(a)(1) of this title.

1 15-701.

2 (a) Unless exempted under subsection (b) of this section, an entity shall
3 register with the Ethics Commission as provided in this subtitle, and shall be a
4 "regulated lobbyist" for the purposes of this title, if, during a reporting period, the
5 entity:

6 (1) for the purpose of influencing ANY legislative action OR, AS TO THE
7 DEVELOPMENT OR ADOPTION OF REGULATIONS OR THE DEVELOPMENT OR
8 ISSUANCE OF AN EXECUTIVE ORDER, EXECUTIVE ACTION:

9 (i) 1. communicates with an official or employee of the
10 Legislative Branch or Executive Branch in the presence of that official or employee;
11 and

12 [(ii)] 2. exclusive of the personal travel or subsistence expenses of
13 the entity or a representative of the entity, incurs expenses of at least \$100 or earns at
14 least \$500 as compensation; OR

15 (II) 1. COMMUNICATES WITH AN OFFICIAL OR EMPLOYEE OF
16 THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH; AND

17 2. EARNS AT LEAST \$5,000 AS COMPENSATION;

18 (2) in connection with or for the purpose of influencing ANY executive
19 action, spends a cumulative value of at least \$100 for [meals, beverages, special
20 events, or gifts on] GIFTS, INCLUDING MEALS, BEVERAGES, AND SPECIAL EVENTS,
21 TO one or more officials or employees of the Executive Branch;

22 (3) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, is [employed]
23 COMPENSATED to influence executive action on a procurement contract that exceeds
24 \$100,000;

25 (4) SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, IS COMPENSATED
26 BY A BUSINESS ENTITY TO INFLUENCE EXECUTIVE ACTION TO SECURE FROM THE
27 STATE A BUSINESS GRANT OR LOAN WITH A VALUE OF MORE THAN \$100,000 FOR THE
28 BUSINESS ENTITY;

29 [(4)] (5) spends at least \$2,000, including EXPENDITURES FOR
30 SALARIES, CONTRACTUAL EMPLOYEES, postage, TELECOMMUNICATIONS SERVICES,
31 ELECTRONIC SERVICES, ADVERTISING, PRINTING, AND DELIVERY SERVICES for the
32 express purpose of soliciting others to communicate with an official to influence
33 legislative action or executive action; or

34 [(5)] (6) spends at least \$500 to provide compensation to one or more
35 entities required to register under this subsection.

36 (b) (1) The following activities are exempt from regulation under this
37 subtitle:

1 (i) appearances as part of the official duties of an elected or
2 appointed official or employee of the State, a political subdivision of the State, or the
3 United States, to the extent that the appearance is not on behalf of any other entity;

4 (ii) actions of a member of the news media, to the extent the actions
5 are in the ordinary course of gathering and disseminating news or making editorial
6 comment to the general public;

7 (iii) representation of a bona fide religious organization to the
8 extent the representation is for the purpose of protecting the right of its members to
9 practice the doctrine of the organization;

10 (iv) appearances as part of the official duties of an officer, director,
11 member, or employee of an association engaged exclusively in representing counties
12 or municipal corporations, to the extent that the appearance is not on behalf of any
13 other entity; or

14 (v) actions as part of the official duties of a trustee, an
15 administrator, or a faculty member of a nonprofit independent college or university in
16 the State, provided the official duties of the individual do not consist primarily of
17 attempting to influence legislative action or executive action.

18 (2) The following activities are exempt from regulation under this
19 subtitle if the individual engages in no other acts during the reporting period that
20 require registration:

21 (i) professional services in drafting bills or in advising clients on
22 the construction or effect of proposed or pending legislation;

23 (ii) appearances before the entire General Assembly, or any
24 committee or subcommittee of the General Assembly, at the specific request of the
25 body involved; [or]

26 (iii) appearances before a legislative committee at the specific
27 request of a regulated lobbyist, if the witness notifies the committee that the witness
28 is testifying at the request of the regulated lobbyist;

29 (IV) APPEARANCES BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC
30 REQUEST OF THE EXECUTIVE UNIT INVOLVED; OR

31 (V) APPEARANCES BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC
32 REQUEST OF A REGULATED LOBBYIST, IF THE WITNESS NOTIFIES THE EXECUTIVE
33 UNIT THAT THE WITNESS IS TESTIFYING AT THE REQUEST OF THE REGULATED
34 LOBBYIST.

35 (3) Subsection (a)(3) of this section does not apply to a bona fide
36 salesperson or commercial selling agency employed or maintained by an employer for
37 the purpose of soliciting or securing a procurement contract unless the person
38 engages in acts during the reporting period that require registration under subsection
39 (a)(1) or (2) of this section.

1 (4) SUBSECTION (A)(4) OF THIS SECTION DOES NOT APPLY TO A BONA
2 FIDE FULL-TIME OFFICIAL OR EMPLOYEE OF A BUSINESS ENTITY SEEKING TO
3 SECURE A BUSINESS GRANT OR LOAN.

4 (c) (1) Except for providing the authorization required by § 15-702 of this
5 subtitle and the report required by [§ 15-704(c)] § 15-704(D) of this subtitle, an entity
6 that compensates one or more regulated lobbyists, and that reasonably believes that
7 all expenditures requiring registration will be reported by the regulated lobbyist or
8 lobbyists, is exempt from the registration and reporting requirements of this subtitle
9 if the entity engages in no other act that requires registration.

10 (2) If a regulated lobbyist compensated by an entity that is exempt under
11 paragraph (1) of this subsection fails to report the information required by this
12 subtitle, the entity immediately shall become subject to the registration and reporting
13 requirements of this subtitle.

14 15-703.

15 (f) (1) Except as provided in paragraph (2) of this subsection, each
16 registration shall terminate on the earlier of:

17 (i) the October 31 following the filing of the registration; or

18 (ii) an earlier termination date specified in an authorization filed
19 with respect to that registration under § 15-702 of this subtitle.

20 (2) A regulated lobbyist may terminate the registration before the date
21 specified in paragraph (1) of this subsection by:

22 (i) ceasing all activity that requires registration; AND

23 (ii) after ceasing activity in accordance with item (i) of this
24 paragraph[,];

25 1. FILING A NOTICE OF TERMINATION WITH THE ETHICS
26 COMMISSION; AND

27 2. filing all reports required by this subtitle WITHIN 30 DAYS
28 AFTER THE FILING OF THE NOTICE OF TERMINATION[; and].

29 [(iii) within 30 days after filing its final report, filing a notice of
30 termination with the Ethics Commission.]

31 ~~(3) (f) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
32 ~~PARAGRAPH, IF A REGULATED LOBBYIST IS OR BECOMES SUBJECT TO REGULATION~~
33 ~~UNDER THIS TITLE AS AN OFFICIAL OR EMPLOYEE, THE REGULATED LOBBYIST~~
34 ~~SHALL IMMEDIATELY TERMINATE THE REGISTRATION IN ACCORDANCE WITH~~
35 ~~PARAGRAPH (2) OF THIS SUBSECTION.~~

1 ~~(H) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A~~
2 ~~REGULATED LOBBYIST APPOINTED TO AN ADVISORY GOVERNMENTAL BODY OF~~
3 ~~LIMITED DURATION.~~

4 15-704.

5 (a) (1) A regulated lobbyist shall file with the Ethics Commission, under
6 oath and for each registration, a separate report concerning the regulated lobbyist's
7 lobbying activities:

8 (i) by May 31 of each year, to cover the period from November 1 of
9 the previous year through April 30 of the current year; and

10 (ii) by November 30 of each year, to cover the period from May 1
11 through October 31 of that year.

12 (2) If the regulated lobbyist is not an individual, an authorized officer or
13 agent of the regulated lobbyist shall sign the report.

14 (3) If a prorated amount is reported as compensation, it shall be labeled
15 as prorated.

16 (b) [Subject to subsection (e) of this section, a] A report required by this
17 section shall include:

18 (1) a complete, current statement of the information required under §
19 15-703(b) of this subtitle;

20 (2) total expenditures in connection with influencing executive action or
21 legislative action in each of the following categories:

22 (i) total [compensation paid to the] INDIVIDUAL regulated lobbyist
23 COMPENSATION, excluding[:]

24 1.] expenses reported under this paragraph; [and

25 2. salaries, compensation, and reimbursed expenses for the
26 regulated lobbyist's staff;]

27 (ii) [unless reported under subparagraph (i) of this paragraph:

28 1.] office expenses of the regulated lobbyist; [and

29 2.] (III) professional and technical research and assistance;

30 [(iii)] (IV) publications that expressly encourage communication
31 with one or more officials or employees;

32 [(iv)] (V) witnesses, including the name of each and the fees and
33 expenses paid to each;

1 [(v)] (VI) EXCEPT AS OTHERWISE REPORTED UNDER THIS
2 PARAGRAPH, meals and beverages for officials, employees, or members of the
3 immediate families of officials or employees;

4 [(vi) 1.] (VII) [for officials of the Legislative Branch, food,
5 beverages, and incidental expenses for a meal or reception, to which were invited all
6 members of a legislative unit] EXCEPT AS PROVIDED IN § 15-708(D)(2) OF THIS
7 SUBTITLE, FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR OFFICIALS OF THE
8 LEGISLATIVE BRANCH FOR MEALS AND RECEPTIONS TO WHICH ALL MEMBERS OF
9 ANY LEGISLATIVE UNIT WERE INVITED;

10 [2. food or beverages received by members of the General
11 Assembly at the time and geographic location of a meeting of a legislative
12 organization for which the member's presiding officer has approved the member's
13 attendance at State expense; and

14 3. tickets or free admission extended to members of the
15 General Assembly by the person sponsoring or conducting the event as a courtesy or
16 ceremony to the office to attend a charitable, cultural, or political event to which were
17 invited all members of a legislative unit;]

18 (VIII) FOOD AND BEVERAGES FOR MEMBERS OF THE GENERAL
19 ASSEMBLY AT THE RESPECTIVE TIMES AND GEOGRAPHIC LOCATIONS OF MEETINGS
20 OF LEGISLATIVE ORGANIZATIONS, TO WHICH MEETINGS THOSE MEMBERS'
21 ATTENDANCE AT STATE EXPENSE HAS BEEN APPROVED BY THE APPROPRIATE
22 PRESIDING OFFICER;

23 [(vii) 1.] (IX) food, lodging, and scheduled entertainment [of]
24 FOR officials and employees [for a meeting, if given in return for participation in a
25 panel or speaking engagement at the meeting] AT MEETINGS AT WHICH THE
26 OFFICIALS AND EMPLOYEES WERE SCHEDULED SPEAKERS OR SCHEDULED PANEL
27 PARTICIPANTS; [and

28 2. if more than \$200 of the expenses reported in item 1 of this
29 subparagraph are for any one official or employee at any meeting, the individual's
30 name and the amount spent;]

31 (X) TICKETS AND FREE ADMISSION EXTENDED TO MEMBERS OF
32 THE GENERAL ASSEMBLY AS A COURTESY OR CEREMONY TO THE OFFICE TO ATTEND
33 CHARITABLE, CULTURAL, AND POLITICAL EVENTS SPONSORED OR CONDUCTED BY
34 THE REPORTING ENTITY AND TO EACH OF WHICH ALL MEMBERS OF A LEGISLATIVE
35 UNIT WERE INVITED;

36 [(viii)] (XI) other gifts to or for officials, employees, or members of
37 the immediate families of officials or employees; and

38 [(ix)] (XII) other expenses; AND

1 (3) as to expenditures reported in paragraph [(2)(vi) and (vii)] (2)(VII),
2 (VIII), (IX), AND (X) of this subsection, the date, location, and total expense of the
3 regulated lobbyist for [the event] EACH MEAL, RECEPTION, EVENT, or meeting[]; and

4 (4) subject to subsection (d) of this section, the name of each official,
5 employee, or member of the immediate family of an official or employee, to or for
6 whom, during a reporting period, one or more gifts with a cumulative value of \$75 or
7 more are given, regardless of whether a gift is attributable to more than one entity
8 and whether or not in connection with lobbying activities, by the regulated lobbyist or
9 any entity acting on behalf of the regulated lobbyist, however, except as provided in
10 paragraph (2)(vii)2 of this subsection and for each of two or more tickets or free
11 admissions extended to a member of the General Assembly with a cumulative value of
12 \$100 or more received from one entity during the applicable period as provided in
13 paragraph (2)(vi)3 of this subsection, expenses reported in paragraph (2)(vi) and (vii)
14 of this subsection need not be allocated to an individual].

15 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
16 REPORT REQUIRED UNDER THIS SECTION ALSO SHALL INCLUDE THE NAME OF EACH
17 OFFICIAL, EMPLOYEE, OR MEMBER OF THE IMMEDIATE FAMILY OF AN OFFICIAL OR
18 EMPLOYEE WHO HAS BENEFITTED FROM ONE OR MORE GIFTS WITH A CUMULATIVE
19 VALUE OF \$75 DURING THE REPORTING PERIOD FROM THE REGULATED LOBBYIST,
20 REGARDLESS OF WHETHER THE GIFT:

21 (I) IS ATTRIBUTABLE TO MORE THAN ONE ENTITY; OR

22 (II) WAS GIVEN IN CONNECTION WITH LOBBYING ACTIVITY.

23 (2) THE FOLLOWING GIFTS NEED NOT BE ALLOCATED TO INDIVIDUAL
24 RECIPIENTS AND REPORTED BY NAME:

25 (I) GIFTS REPORTED UNDER SUBSECTION (B)(2)(VII) AND (VIII) OF
26 THIS SECTION;

27 (II) GIFTS REPORTED UNDER SUBSECTION (B)(2)(IX) OF THIS
28 SECTION WITH A VALUE OF \$200 OR LESS; AND

29 (III) GIFTS REPORTED UNDER SUBSECTION (B)(2)(X) OF THIS
30 SECTION, UNLESS THE RECIPIENT RECEIVED FROM THE REGULATED LOBBYIST
31 DURING THE REPORTING PERIOD TWO OR MORE SUCH GIFTS WITH A CUMULATIVE
32 VALUE OF \$100 OR MORE.

33 [(c)] (D) (1) This subsection applies only to a regulated lobbyist, other than
34 an individual, that is organized and operated for the primary purpose of attempting to
35 influence legislative action or executive action.

36 (2) In addition to the other reports required under this section, a
37 regulated lobbyist subject to this subsection shall report the name and permanent
38 address of each entity that provided at least 5% of the regulated lobbyist's total
39 receipts during the preceding 12 months.

1 (3) For the purpose of the reporting and registration requirements of this
2 subtitle, receipts of a regulated lobbyist subject to this subsection include funds spent
3 on the regulated lobbyist's behalf, at its direction, or in its name.

4 15-705.

5 [(d) (1)] (A) [Subject to subsection (e) of this section, in] IN addition to any
6 other report required under this [section] SUBTITLE, a regulated lobbyist shall file[,
7 with the report required by subsection (a) of this section,] a SEPARATE report
8 disclosing the name of any State official of the Executive Branch or member of the
9 immediate family of a State official of the Executive Branch who has benefitted
10 during the reporting period from gifts of meals or beverages FROM THE REGULATED
11 LOBBYIST, whether or not in connection with lobbying activities, allowed under [§
12 15-505(c)(2)(i)] § 15-505(C)(2)(I)1 of this title [from the regulated lobbyist].

13 [(2)] (B) Gifts reported by name of recipient under [subsection (b)(2)(vii)
14 of this section and receptions and tickets or free admission listed under subsection
15 (b)(2)(vi) of this section] § 15-704(B)(2)(IX) OF THIS SUBTITLE need not be allocated for
16 the purposes of disclosure under [paragraph (1) of this subsection] SUBSECTION (A)
17 OF THIS SECTION.

18 [(3)] (C) The disclosure required by this [subsection] SECTION shall be
19 under oath or affirmation, on a form issued by the Ethics Commission, and shall
20 include:

21 [(i)] (1) the name and business address of the regulated lobbyist;

22 [(ii)] (2) the name of each recipient of a gift of a meal or beverages;

23 [(iii)] (3) the date and value of each gift of a meal or beverages, and
24 the identity of the entity or entities to which the gift is attributable; and

25 [(iv)] (4) the total cumulative value of gifts of meals or beverages,
26 calculated as to each recipient.

27 [(4)] (D) The regulated lobbyist may explain the circumstances under
28 which the gift of a meal or beverages was given.

29 [(5)] (E) Gifts of meals or beverages reported by a regulated lobbyist
30 under this [subsection] SECTION need not be counted or reported by the regulated
31 lobbyist for purposes of disclosure under [subsection (b)(4) of this section] § 15-704(C)
32 OF THIS SUBTITLE.

33 (F) THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER
34 PRESCRIBED FOR REPORTS FILED UNDER § 15-704 OF THIS SUBTITLE.

1 15-706.

2 [(f) (1) (i)] (A) (1) This [subsection] SECTION only applies to an individual
3 regulated lobbyist described in § 15-701(a)(1), (2), ~~or (3)~~ (3), OR (4) of this subtitle who
4 lobbies the Executive or Legislative Branch.

5 [(ii)] (2) This [subsection] SECTION may not be construed to apply
6 to an entity that employs an individual regulated lobbyist who is described in §
7 15-701(a)(1), (2), ~~or (3)~~ (3), OR (4) of this subtitle.

8 [(2)] (B) In addition to any other report required under this [section]
9 SUBTITLE, an individual regulated lobbyist shall file, with the report required by
10 [subsection (a)] § 15-704 of this [section] SUBTITLE, a report that discloses any
11 business transaction or series of business transactions that the individual regulated
12 lobbyist had with an individual or business entity listed in [paragraph (3) of this
13 subsection] SUBSECTION (C) OF THIS SECTION that:

14 [(i)] (1) involved the exchange of value of \$1,000 or more for a
15 single transaction or involved the exchange of value of \$5,000 or more for a series of
16 transactions; and

17 [(ii)] (2) occurred in the previous 6 months.

18 [(3)] (C) An individual regulated lobbyist is subject to the reporting
19 requirements of this [section] SUBTITLE if the individual regulated lobbyist engages
20 in a business transaction with:

21 [(i)] (1) a member of the General Assembly;

22 [(ii)] (2) the Governor;

23 [(iii)] (3) the Lieutenant Governor;

24 [(iv)] (4) the Attorney General;

25 [(v)] (5) the Secretary of State;

26 [(vi)] (6) the Comptroller of the Treasury;

27 [(vii)] (7) the State Treasurer;

28 [(viii)] (8) the Secretary of any principal State department;

29 [(ix)] (9) the spouse of an individual listed in items [(i)] (1) through
30 [(viii)] (8) of this [paragraph] SUBSECTION;

31 [(x)] (10) a business entity in which an individual listed in items
32 [(i)] (1) through [(ix)] (9) of this [paragraph] SUBSECTION participates as a
33 proprietor or partner; or

1 [(xi)] (11) a business entity where an individual listed in items [(i)]
2 (1) through [(ix)] (9) of this [paragraph] SUBSECTION has an ownership interest of at
3 least 30% in the entity.

4 [(4)] (D) The disclosure required under this subsection shall include:

5 [(i)] (1) the date of the business transaction or dates of each of the
6 series of transactions;

7 [(ii)] (2) the name and title of the official listed in [paragraph (2)]
8 SUBSECTION (B) of this [subsection] SECTION who was involved in each business
9 transaction or series of transactions; and

10 [(iii)] (3) the nature and value of anything exchanged.

11 15-707.

12 (A) IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS SUBTITLE,
13 AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 15-701(A)(1), (2), (3), OR (4) OF
14 THIS SUBTITLE SHALL FILE A SEPARATE REPORT DISCLOSING ANY CONTRIBUTIONS
15 MADE:

16 (1) DIRECTLY OR INDIRECTLY BY THE REGULATED LOBBYIST;

17 (2) DURING THE REPORTING PERIOD;

18 (3) UNDER THE PROVISIONS OF ARTICLE 33 OF THE CODE; AND

19 (4) FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT GOVERNOR,
20 ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY, OR A
21 CANDIDATE FOR ELECTION TO ANY OF THOSE OFFICES.

22 (B) THE REPORT SHALL STATE:

23 (1) THE NAME OF EACH OFFICIAL OR CANDIDATE FOR WHOSE BENEFIT
24 A CONTRIBUTION WAS MADE; AND

25 (2) THE TOTAL CONTRIBUTIONS FOR THE BENEFIT OF THAT OFFICIAL
26 OR CANDIDATE.

27 (C) THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER
28 PRESCRIBED FOR REPORTS FILED UNDER § 15-704 OF THIS SUBTITLE.

29 15-708.

30 (A) A REGULATED LOBBYIST WHO INVITES ALL MEMBERS OF A LEGISLATIVE
31 UNIT TO A MEAL OR RECEPTION SHALL, AT LEAST 5 DAYS BEFORE THE DATE OF THE
32 MEAL OR RECEPTION:

33 (1) EXTEND A WRITTEN INVITATION TO ALL MEMBERS OF THE
34 LEGISLATIVE UNIT; AND

1 (2) REGISTER THE MEAL OR RECEPTION WITH THE DEPARTMENT OF
2 LEGISLATIVE SERVICES ON A FORM PRESCRIBED BY THE ETHICS COMMISSION.

3 (B) A LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED UNDER
4 SUBSECTION (A) OF THIS SECTION SHALL CONTAIN THE FOLLOWING INFORMATION:

5 (1) THE DATE AND LOCATION OF THE MEAL OR RECEPTION; AND

6 (2) THE LEGISLATIVE UNIT INVITED.

7 (C) (1) BASED ON INFORMATION CONTAINED IN A LEGISLATIVE UNIT
8 REGISTRATION REPORT FILED UNDER SUBSECTION (A) OF THIS SECTION, THE
9 DEPARTMENT OF LEGISLATIVE SERVICES SHALL PUBLISH ONCE A WEEK A LIST
10 CONTAINING THE DATE AND LOCATION OF EACH UPCOMING MEAL OR RECEPTION
11 AND THE IDENTITY OF THE LEGISLATIVE UNIT INVITED.

12 (2) (I) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ALLOW
13 PUBLIC INSPECTION OF ANY LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED
14 UNDER THIS SECTION DURING REGULAR BUSINESS HOURS.

15 (II) WITHIN 3 BUSINESS DAYS OF RECEIPT OF A LEGISLATIVE UNIT
16 REGISTRATION REPORT REQUIRED UNDER THIS SECTION, THE DEPARTMENT OF
17 LEGISLATIVE SERVICES SHALL FORWARD THE ORIGINAL REGISTRATION REPORT TO
18 THE STATE ETHICS COMMISSION.

19 (III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
20 MAINTAIN A PHOTOCOPY OR ELECTRONIC COPY OF EACH REGISTRATION REPORT
21 REQUIRED UNDER THIS SECTION.

22 (D) (1) (I) A REGULATED LOBBYIST WHO IS REQUIRED TO REGISTER
23 UNDER SUBSECTION (A) OF THIS SECTION SHALL REPORT THE TOTAL COST OF THE
24 MEAL OR RECEPTION, INCLUDING THE IDENTITY OF ANY SPONSOR WHO
25 CONTRIBUTES TO THE COST AND THE AMOUNT OF THE CONTRIBUTION, TO THE
26 ETHICS COMMISSION WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR
27 RECEPTION.

28 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
29 THIS PARAGRAPH, IF ANY INFORMATION REQUIRED UNDER SUBPARAGRAPH (I) IS
30 NOT KNOWN WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR RECEPTION, THE
31 REGULATED LOBBYIST SHALL, AS TO THE INFORMATION NOT KNOWN, SPECIFY THE
32 NATURE AND ESTIMATE THE AMOUNT OF EACH ITEM.

33 (2) IF ALL OF THE INFORMATION REQUIRED BY PARAGRAPH (1)(I) OF
34 THIS SUBSECTION IS REPORTED ACCURATELY AND COMPLETELY, THE REGULATED
35 LOBBYIST IS NOT REQUIRED TO REPORT THE COST OF THE MEAL OR RECEPTION
36 UNDER § 15-704(B)(2)(VII) OF THIS SUBTITLE.

37 (3) THE STATE ETHICS COMMISSION SHALL ALLOW PUBLIC INSPECTION
38 OF ANY REGISTRATION REPORT REQUIRED UNDER THIS SUBSECTION DURING
39 REGULAR BUSINESS HOURS.

1 15-709.

2 THE STATE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER WHICH
3 A REPORT REQUIRED UNDER §§ 15-704 THROUGH 15-708 OF THIS SUBTITLE:

4 (1) MAY BE FILED ELECTRONICALLY WITHOUT ADDITIONAL COST TO
5 THE INDIVIDUAL WHO FILES THE REPORT; AND

6 (2) SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION
7 ELECTRONICALLY.

8 15-710.

9 [(e)] This [section] SUBTITLE does not require the disclosure by a regulated
10 lobbyist of any gift to the regulated lobbyist's immediate family, if the gift is:

11 (1) purely personal and private in nature and not related to the
12 regulated lobbyist's lobbying activities; and

13 (2) from the regulated lobbyist's personal funds and not attributable to
14 any other entity or entities.

15 15-711.

16 [(g)] The Ethics Commission may require a regulated lobbyist to file any
17 additional report the Ethics Commission determines to be necessary.

18 15-712.

19 {(b)} (1) ~~(A)~~ If a report under § 15-704[(b)(4)] OR § 15-705 of this subtitle
20 contains the name of an official or employee in the Executive or Legislative Branch or
21 the name of a member of the official's or employee's immediate family, the Ethics
22 Commission shall:

23 {(i)} ~~(1)~~ notify the official or employee within 30 days of receipt of
24 the report by the Ethics Commission; and

25 {(ii)} ~~(2)~~ keep the report confidential for 60 days after its receipt.

26 {(2)} ~~(B)~~ Within 30 days after receiving the notice, the official or
27 employee may submit a written exception to the inclusion in the report of the name of
28 the official, employee, or member of the official's or employee's immediate family.

29 15-713.

30 A regulated lobbyist may not:

31 (1) be engaged for lobbying purposes for compensation that is dependent
32 in any manner on:

33 [(1)] (i) the enactment or defeat of legislation; [or]

1 [(ii) any other contingency related to legislative action; or]

2 [(2)] [(i)] (II) the outcome of any executive action relating to the
3 solicitation or securing of a procurement contract; or

4 [(ii)] (III) any other contingency related to executive action OR
5 LEGISLATIVE ACTION[.];

6 (2) INITIATE OR ENCOURAGE THE INTRODUCTION OF LEGISLATION FOR
7 THE PURPOSE OF OPPOSING THE LEGISLATION;

8 (3) COUNSEL ANY PERSON TO VIOLATE ANY PROVISIONS OF THIS TITLE
9 OR ANY OTHER STATE OR FEDERAL LAW;

10 (4) ENGAGE IN OR COUNSEL ANY PERSON TO ENGAGE IN FRAUDULENT
11 CONDUCT;

12 (5) WHILE ENGAGING IN LOBBYING ACTIVITIES, KNOWINGLY MAKE TO
13 AN OFFICIAL OR EMPLOYEE A STATEMENT OF MATERIAL FACT RELATING TO
14 LOBBYING ACTIVITY THAT THE REGULATED LOBBYIST KNOWS TO BE FALSE;

15 (6) ENGAGE IN LOBBYING WITHOUT BEING PROPERLY REGISTERED AS A
16 REGULATED LOBBYIST IN ACCORDANCE WITH § 15-701 OF THIS SUBTITLE;

17 (7) REQUEST AN OFFICIAL OR EMPLOYEE TO RECOMMEND TO A
18 POTENTIAL CLIENT THE LOBBYING SERVICES OF THE REGULATED LOBBYIST OR ANY
19 OTHER REGULATED LOBBYIST;

20 (8) MAKE A GIFT, DIRECTLY OR INDIRECTLY, TO AN OFFICIAL OR
21 EMPLOYEE IF THE REGULATED LOBBYIST KNOWS OR HAS REASON TO KNOW THE
22 GIFT IS IN VIOLATION OF SUBTITLE 5 OF THIS TITLE;

23 (9) MAKE A GIFT DIRECTLY OR INDIRECTLY AS A RESULT OF A
24 SOLICITATION OR FACILITATION, WHICH THE REGULATED LOBBYIST KNOWS OR HAS
25 REASON TO KNOW IS PROHIBITED UNDER § 15-505(A)(2) OF THIS TITLE;

26 (10) IF THE REGULATED LOBBYIST IS AN INDIVIDUAL, ENGAGE IN ANY
27 CHARITABLE FUND-RAISING ACTIVITY AT THE REQUEST OF AN OFFICIAL OR
28 EMPLOYEE, INCLUDING SOLICITING, TRANSMITTING THE SOLICITATION OF, OR
29 TRANSMITTING A CHARITABLE CONTRIBUTION;

30 (11) UNLESS IN THE ORDINARY COURSE OF BUSINESS OF THE
31 REGULATED LOBBYIST, MAKE OR FACILITATE THE MAKING OF ANY LOAN OF MONEY,
32 GOODS, OR SERVICES TO AN OFFICIAL OR EMPLOYEE;

33 (12) WHILE ENGAGING IN LOBBYING ACTIVITIES ON BEHALF OF AN
34 ENTITY, KNOWINGLY CONCEAL FROM AN OFFICIAL OR EMPLOYEE, THE IDENTITY OF
35 THE ENTITY;

- 1 (13) COMMIT A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITY;
2 OR
- 3 (14) IF SERVING ON THE STATE OR A LOCAL CENTRAL COMMITTEE OF A
4 POLITICAL PARTY, PARTICIPATE:
- 5 (I) AS AN OFFICER OF THE CENTRAL COMMITTEE;
- 6 (II) IN FUND-RAISING ACTIVITY ON BEHALF OF THE POLITICAL
7 PARTY; OR
- 8 (III) IN ACTIONS RELATING TO FILLING A VACANCY IN A PUBLIC
9 OFFICE.
- 10 15-714.
- 11 (a) In this section, "candidate", "CONTRIBUTION", and "political committee"
12 have the meanings provided in Article 33, § 1-101 of the Code.
- 13 (b) This section applies only to a regulated lobbyist described in §
14 15-701(a)(1), (2), [or] (3), OR (4) of this subtitle [who lobbies the Executive or
15 Legislative Branch].
- 16 (c) The restrictions in this section apply from the starting date of the
17 regulated lobbyist's registration to the end of the calendar year in which the
18 registration period ends.
- 19 (d) (1) A regulated lobbyist who is subject to this section or a person acting
20 on behalf of the regulated lobbyist may not, for the benefit of the Governor,
21 Lieutenant Governor, Attorney General, Comptroller, or member of the General
22 [Assembly] ASSEMBLY, or candidate for election to the office of Governor, Lieutenant
23 Governor, Attorney General, Comptroller, or member of the General Assembly,
24 ENGAGE IN THE FOLLOWING ACTIVITIES:
- 25 (i) [solicit or transmit] SOLICITING OR TRANSMITTING a political
26 contribution from any person, including a political committee;
- 27 (ii) [serve] SERVING on a fund-raising committee or a political
28 committee; [or]
- 29 (iii) [act] ACTING as a treasurer FOR A CANDIDATE OR OFFICIAL OR
30 AS TREASURER or chairman of a political committee[.];
- 31 (IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE FOR
32 THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY
33 PERSON; OR
- 34 (V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR
35 OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL
36 CONTRIBUTOR.

1 (2) This section does not prohibit a regulated lobbyist from:

2 (i) making a personal political contribution; [or]

3 (ii) informing any entity of a position taken by a candidate OR
4 OFFICIAL; OR

5 (III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY
6 PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7 (3) THIS SECTION DOES NOT APPLY TO A REGULATED LOBBYIST WHO IS
8 A CANDIDATE WITH RESPECT TO THE REGULATED LOBBYIST'S OWN CAMPAIGN.

9 15-715.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "APPLICABLE CONTRIBUTION" MEANS A CONTRIBUTION OR SERIES
13 OF CONTRIBUTIONS MADE TO OR FOR THE BENEFIT OF AN APPLICABLE RECIPIENT
14 IN A CUMULATIVE AMOUNT OF MORE THAN \$500. A CONTRIBUTION MADE TO A
15 POLITICAL COMMITTEE FOR AN APPLICABLE RECIPIENT IS DEEMED A
16 CONTRIBUTION TO THE APPLICABLE RECIPIENT.

17 (3) "APPLICABLE RECIPIENT" MEANS A CANDIDATE FOR, OR AN
18 OFFICIAL HOLDING, ANY OF THE FOLLOWING OFFICES:

19 (I) GOVERNOR;

20 (II) LIEUTENANT GOVERNOR;

21 (III) ATTORNEY GENERAL;

22 (IV) COMPTROLLER; OR

23 (V) MEMBER OF THE GENERAL ASSEMBLY.

24 (B) SUBJECT TO SUBSECTION (H) OF THIS SECTION, A PERSON SHALL FILE A
25 STATEMENT IN ACCORDANCE WITH THIS SECTION IF AT ANY TIME DURING THE
26 REPORTING PERIOD THE PERSON:

27 (1) SPENT AT LEAST \$500 TO PROVIDE COMPENSATION TO ONE OR MORE
28 REGULATED LOBBYISTS; AND

29 (2) MADE OR CAUSED TO BE MADE AN APPLICABLE CONTRIBUTION.

30 (C) A STATEMENT REQUIRED BY THIS SECTION SHALL BE FILED WITH THE
31 STATE BOARD OF ELECTIONS.

32 (D) (1) THE REPORTING PERIOD IS THE 6-MONTH PERIOD ENDING ON
33 EITHER JANUARY 31 OR JULY 31.

1 (2) THE STATEMENT SHALL BE FILED WITHIN 5 DAYS AFTER THE END
2 OF THE REPORTING PERIOD.

3 (E) THE STATEMENT REQUIRED BY THIS SECTION SHALL BE MADE UNDER
4 OATH AND SHALL CONTAIN:

5 (1) THE NAME OF EACH APPLICABLE RECIPIENT TO WHOM AN
6 APPLICABLE CONTRIBUTION WAS MADE OR CAUSED TO BE MADE DURING THE
7 REPORTING PERIOD AND, IF NOT PREVIOUSLY REPORTED, DURING THE PRECEDING
8 REPORTING PERIOD;

9 (2) THE OFFICE HELD OR SOUGHT BY EACH APPLICABLE RECIPIENT
10 NAMED IN ITEM (1) OF THIS PARAGRAPH;

11 (3) THE AGGREGATE CONTRIBUTIONS MADE TO EACH APPLICABLE
12 RECIPIENT;

13 (4) THE NAME OF EACH REGULATED LOBBYIST EMPLOYED OR
14 RETAINED BY THE PERSON FILING THE STATEMENT; AND

15 (5) IF A CONTRIBUTION WAS MADE BY ANOTHER PERSON BUT IS
16 ATTRIBUTED TO THE PERSON FILING THE STATEMENT, THE NAME OF THE PERSON
17 WHO MADE THE CONTRIBUTION AND THE RELATIONSHIP OF THAT PERSON TO THE
18 PERSON FILING THE STATEMENT.

19 (F) IF THE PERSON FILING THE STATEMENT IS A BUSINESS ENTITY:

20 (1) A CONTRIBUTION, REGARDLESS OF AMOUNT, MADE BY AN OFFICER,
21 DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY OR, IF MADE AT THE SUGGESTION
22 OR DIRECTION OF THE BUSINESS ENTITY, BY AN EMPLOYEE, AGENT, OR OTHER
23 PERSON, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY;

24 (2) EACH OFFICER, DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY
25 WHO MAKES OR CAUSES TO BE MADE A CONTRIBUTION, REGARDLESS OF AMOUNT,
26 SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE
27 BUSINESS ENTITY;

28 (3) EACH EMPLOYEE, AGENT, OR OTHER PERSON WHO MAKES OR
29 CAUSES TO BE MADE A CONTRIBUTION, REGARDLESS OF AMOUNT, AT THE
30 SUGGESTION OR DIRECTION OF THE BUSINESS ENTITY SHALL REPORT THE
31 CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY;

32 (4) CONTRIBUTIONS MADE BY, OR CAUSED TO BE MADE BY, A
33 SUBSIDIARY, 30% OR MORE OF THE EQUITY OF WHICH THE BUSINESS ENTITY OWNS
34 OR CONTROLS, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY; AND

35 (5) IF A SUBSIDIARY DESCRIBED IN ITEM (4) OF THIS SUBSECTION MADE
36 AN EXPENDITURE TO PROVIDE COMPENSATION TO ONE OR MORE REGULATED
37 LOBBYISTS, THE EXPENDITURE SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY.

1 (G) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (F) OF THIS
2 SECTION, A CONTRIBUTION MADE BY AN INDIVIDUAL WHO SERVES AS A TRUSTEE OR
3 MEMBER OF THE BOARD OF DIRECTORS OR AS AN OFFICER OF A NOT FOR PROFIT
4 ORGANIZATION IS NOT ATTRIBUTABLE TO THE ORGANIZATION AND THE INDIVIDUAL
5 IS NOT REQUIRED TO REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE
6 OFFICER OF THE ORGANIZATION, UNLESS:

7 (1) THE CONTRIBUTION IS MADE ON THE RECOMMENDATION OF THE
8 NOT FOR PROFIT ORGANIZATION; OR

9 (2) THE INDIVIDUAL WHO MADE THE CONTRIBUTION IS PAID BY THE
10 NOT FOR PROFIT ORGANIZATION.

11 (H) A PERSON WHO FILES, UNDER THE PROVISIONS OF ARTICLE 33, TITLE 14
12 OF THE CODE, ALL INFORMATION REQUIRED BY THIS SECTION MAY SATISFY THE
13 REQUIREMENTS OF THIS SECTION BY SUBMITTING A NOTICE TO THAT EFFECT ON
14 THE APPROPRIATE PRESCRIBED FORM.

15 (I) THE STATE BOARD OF ELECTIONS SHALL:

16 (1) PRESCRIBE AND MAKE AVAILABLE FORMS FOR THE STATEMENT
17 AND NOTICE REQUIRED BY THIS SECTION;

18 (2) RETAIN EACH STATEMENT FILED UNDER THIS SECTION IN THE
19 SAME MANNER, AND SUBJECT TO THE SAME STANDARDS OF PUBLIC ACCESS, AS A
20 STATEMENT FILED UNDER THE PROVISIONS OF ARTICLE 33, TITLE 14 OF THE CODE;
21 AND

22 (3) REPORT ANY VIOLATION OF THIS SECTION TO THE ETHICS
23 COMMISSION.

24 (J) THE STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED IN
25 THE MANNER PRESCRIBED FOR STATEMENTS FILED UNDER ARTICLE 33, TITLE 14 OF
26 THE CODE.

27 (K) (1) A PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO COMPLY
28 WITH THE REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
29 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
30 EXCEEDING 1 YEAR OR BOTH.

31 (2) IF A PERSON IN VIOLATION OF THIS SECTION IS A BUSINESS ENTITY,
32 EACH OFFICER AND PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY
33 AUTHORIZED OR PARTICIPATED IN THE VIOLATION OF THIS SECTION IS GUILTY OF A
34 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
35 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

36 15-903.

37 (a) [A] EXCEPT AS PROVIDED IN § 15-715 OF THIS TITLE, A person who
38 knowingly and willfully violates Subtitle 7 of this title is guilty of a misdemeanor and

1 on conviction is subject to a fine not exceeding [\$1,000] \$10,000 or imprisonment not
2 exceeding 1 year or both.

3 (b) If the person is not an individual, each officer or partner who knowingly
4 authorizes or participates in a violation of Subtitle 7 of this title is guilty of a
5 misdemeanor and on conviction is subject to the penalty specified in subsection (a) of
6 this section.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ November 1, 2001.