

SENATE BILL 771

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SB 425/00 - EEA

2001 Regular Session  
11r2697

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By: **Senators Pinsky, Frosh, and Van Hollen**  
Introduced and read first time: February 8, 2001  
Assigned to: Rules

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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 2000 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 2000 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  
27 certificate of candidacy. All reports or statements of contributions and expenditures  
28 shall be filed in duplicate except those filed with the State Board. Election reports as

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

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

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

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

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

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

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

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

38 (8) If a candidate does not intend to receive contributions or make  
39 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may  
40 jointly execute an affidavit to that effect on a form prescribed by the State Board. If  
41 he does not in fact receive contributions or make expenditures of \$1,000 or more, no  
42 further reports need be filed pursuant to this section. The affidavit shall be filed not

1 later than the date by which the first report is due. If at any time the cumulative  
2 contributions to or expenditures by a candidate who has filed such an affidavit equal  
3 or exceed \$1,000, he and his treasurer shall thereafter file all reports required by this  
4 section and failure to do so constitutes a failure to file and the commission of a  
5 misdemeanor subject to the penalties prescribed in § 13-603 of this title.

6 (A-2) (1) THE CAMPAIGN REPORT FILED UNDER THIS SECTION SHALL  
7 INCLUDE THE IDENTITY OF THE CONTRIBUTOR BY FULL NAME, MAILING ADDRESS,  
8 AND, IF ANY, OCCUPATION AND EMPLOYER, IF:

9 (I) THE CONTRIBUTION IS IN THE AMOUNT OF \$251 OR MORE; OR

10 (II) THE CONTRIBUTOR HAS CONTRIBUTED TO THE CANDIDATE OR  
11 COMMITTEE DURING THE 4-YEAR ELECTION CYCLE IN WHICH THE CONTRIBUTION  
12 IS MADE, A CUMULATIVE AMOUNT OF \$251 OR MORE.

13 (2) (I) A CANDIDATE, CHAIRMAN, OR TREASURER IS IN COMPLIANCE  
14 WITH THIS SUBSECTION IF THE CANDIDATE, CHAIRMAN, OR TREASURER SHOWS  
15 THAT BEST EFFORTS HAVE BEEN MADE TO OBTAIN, MAINTAIN, AND SUBMIT THE  
16 INFORMATION REQUIRED BY THIS SUBSECTION.

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

20 1. EACH INITIAL WRITTEN SOLICITATION FOR  
21 CONTRIBUTIONS INCLUDES A CLEAR REQUEST FOR THE INFORMATION REQUIRED IN  
22 PARAGRAPH (1) OF THIS SUBSECTION OR A FOLLOW-UP REQUEST IS MADE WHEN  
23 NECESSARY TO OBTAIN THE REQUIRED INFORMATION; AND

24 2. THE REQUIRED INFORMATION IS TIMELY REPORTED,  
25 INCLUDING AN AMENDED REPORT TO DISCLOSE ANY REQUIRED INFORMATION  
26 OBTAINED BY A FOLLOW-UP REQUEST AND ANY OTHER PREVIOUSLY UNDISCLOSED  
27 REQUIRED INFORMATION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2001.