

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 176

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “reference;” insert “clarifying and correcting certain provisions; repealing certain obsolete references; defining a certain term;”.

On page 2, after line 19, insert:

“BY repealing and reenacting, with amendments,

Article - Election Law

Section 2-207(f), 2-301(a)(4), 3-302(a), 5-403(c)(1), 13-208(c), 13-230(b)(2) and (c)(2)(ii),
13-240(b), 13-241(a)(2), 13-242(a)(3), 13-305(a)(1)(ii) and (2), 14-101, 14-104, and
14-105

Annotated Code of Maryland

(As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2002)

BY repealing and reenacting, without amendments,

Article - Election Law

Section 14-102, 14-103, 14-106, 14-107, and 14-108

Annotated Code of Maryland

(As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2002)”.

AMENDMENT NO. 2

On page 6, after line 20, insert:

“Article - Election Law

2-207.

(Over)

(f) The [elections administrator] ELECTION DIRECTOR in Prince George's County shall be in the exempt service under the Prince George's County Personnel System.

2-301.

(a) This section applies to:

(4) An employee of the State Board or of a local board, including the election director [and the elections administrator] of a board.

3-302.

(a) [(1) Registration is closed between 9 p.m. on the 5th Monday preceding any primary election, special primary election, general election, or special election and the 11th day after that election.

(2) Beginning with the primary election in 2000, and for any subsequent election prior to the primary election in 2002, registration is closed beginning at 9 p.m. on the 25th day preceding the election until the 11th day after that election.

(3) Beginning with the primary election in 2002, and for any subsequent election, registration] REGISTRATION is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

5-403.

(c) Filing fees received by the State Board shall be divided and distributed:

(1) With respect to candidates for statewide office:

(i) \$60 to the Baltimore City Board [of Supervisors] of Elections; and

(ii) \$10 each to each other local board;

13-208.

(c) The statement of purpose shall specify:

(1) each candidate or ballot question, if any, that the political committee was formed to promote or defeat; and

(2) the identity of [the] EACH special [interests] INTEREST, including any business or occupation, [if any,] that the organizers of or contributors to the political committee have in common.

13-230.

(b) (2) Uncharged interest is the amount by which, during a reporting period, the interest actually charged on the loan is less than the interest [would be if] ON THE LOAN computed at the prime rate applicable on the day the loan was made.

(c) (2) (ii) Unless a loan by a candidate or the candidate's spouse to a campaign finance entity of the candidate complies with paragraph (1) of this subsection:

1. the loan may not accrue interest;
2. any interest foregone on the loan is not a contribution under subsection (b) of this section; and
3. the campaign finance entity is not subject to:
 - A. § 13-310(a) and (b) of this title so long as the loan has an outstanding principal balance; AND
 - B. SUBSECTION (A)(2)(II) OF THIS SECTION.

13-240.

(b) Notwithstanding §13-239 of this subtitle or any other law that prohibits an anonymous contribution, a political committee [may accept, and need not identify the individual donor in its account book, the money received from the sale of a spin or chance] MAY ACCEPT MONEY RECEIVED FROM THE SALE OF A SPIN OR CHANCE, AND NEED NOT IDENTIFY THE INDIVIDUAL PURCHASER IN ITS ACCOUNT BOOK, if:

(1) the account book of the political committee includes:

(i) the net amount received by the political committee at the event at which the sale was made; and

(ii) the name and address of each individual who attended the event;

(2) no spin or chance is sold at the event for more than \$2;

(3) the net income of the sponsoring political committee from spins and chances at the event does not exceed \$1,500 in a 24-hour period; and

(4) the total receipts of the sponsoring political committee from spins and chances in that election do not exceed \$2,500.

13-241.

(a) (2) “Affiliated political action committee” means a political ACTION committee affiliated with an employee membership entity.

13-242.

(a) (3) “Affiliated political action committee” means a political ACTION committee affiliated with an employee membership entity.

13-305.

(a) (1) Subject to paragraph (2) of this subsection, a campaign finance entity that is a

personal treasurer is not required to file the campaign finance reports prescribed by § 13-304 of this subtitle if the responsible officers file an affidavit:

(ii) stating that the personal treasurer [account] does not intend either to raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the filing fee, make expenditures in the cumulative amount of \$1,000 or more.

(2) If the personal treasurer [account] receives cumulative contributions of \$1,000 or more or makes cumulative expenditures of \$1,000 or more, the personal treasurer [account] shall file all subsequent campaign finance reports prescribed by this subtitle.

14-101.

(a) In this title the following words have the meanings indicated.

(b) “Applicable contribution” means a contribution to a candidate, or a series of such contributions, in a cumulative amount in excess of \$500.

(c) “Business entity” includes a firm, corporation, trust, unincorporated association, or other organization, whether or not conducted for profit.

(d) “Candidate” includes an incumbent office holder.

(e) “Contract” includes a sale, purchase, lease, or other agreement.

(f) (1) Subject to paragraph (2) of this subsection, “contribution” has the meaning stated in § 1-101 of this article.

(2) “Contribution” does not include:

(i) a bona fide gift by a spouse or relative within the third degree of consanguinity; or

(Over)

(ii) an honorary membership in a social, service, or fraternal organization presented as a courtesy by the organization.

(g) (1) “Doing public business” means making, during any 12-month period, one or more contracts with one or more governmental entities involving cumulative consideration of at least \$100,000.

(2) “Doing public business” does not include receiving a salary from a governmental entity.

(h) “Governmental entity” means:

(1) the State, a county, a municipal corporation, or other political subdivision of the State; and

(2) a unit of the State, a county, a municipal corporation, or other political subdivision of the State.

(I) “MAKE A CONTRIBUTION” INCLUDES TO CAUSE A CONTRIBUTION TO BE MADE.

14-102.

For purposes of this title, words and phrases defined under § 1-101 of this article shall be deemed, as the case may be, to include or apply to an individual who seeks or holds elective office in a municipal corporation and a campaign fundraising entity for that individual.

14-103.

A contribution to a campaign finance entity of a candidate shall be deemed to be a contribution to the candidate for the purposes of this title.

14-104.

(a) A person doing public business shall file a statement with the State Board as provided in this section.

(b) (1) When a contract is made that causes a person to be doing public business, an initial statement shall be filed:

(i) at that time, covering the preceding 24 months, if the person has made an applicable contribution within that period; or

(ii) if subparagraph (i) of this paragraph does not apply, but the person subsequently makes an applicable contribution during a reporting period specified in paragraph (2) of this subsection, as required by that paragraph.

(2) (i) A person shall file a semi-annual statement in accordance with this paragraph for each reporting period specified in subparagraph (ii) of this paragraph in which the person has made an applicable contribution if:

1. performance remains uncompleted on any contract that caused the person to be doing public business; or

2. the person is doing public business.

(ii) 1. The statements required by subparagraph (i) of this paragraph shall cover 6-month reporting periods ending on January 31 and July 31.

2. A statement required by subparagraph (i) of this paragraph shall be filed within 5 days after the end of the applicable reporting period.

(c) (1) The statement required by this section shall be made under oath and shall contain:

(i) the name of each candidate to whom an applicable contribution was made [or caused to be made] during the reporting period and, if not previously reported, during the

preceding reporting period;

(ii) the office sought by each candidate named in item (i) of this paragraph;

(iii) the amount of aggregate contributions made to each candidate named in item (i) of this paragraph;

(iv) the name of each unit of a governmental entity with which the person did public business during the reporting period;

(v) the nature and amount of public business done with each unit of a governmental entity; and

(vi) if the public business was done or the contribution was made by another person but is attributed to the person filing the statement, the name of the person who did the public business or made the contribution and the relationship of that person to the person filing the statement.

(2) The information required by paragraph (1)(iv) and (v) of this subsection may be omitted on the written approval of the Attorney General if the Attorney General finds that:

(i) requiring the information would be unduly burdensome;

(ii) the public interest would not be impaired substantially by the omission of this information; and

(iii) the person filing the statement stipulates that the person has done public business during the reporting period.

(d) (1) The State Board shall retain each statement filed under this title as a public record for at least 2 years after its receipt and shall make the statement available for public examination and copying during normal office hours.

(2) The State Board may establish reasonable fees and administrative procedures governing public examination and copying of the statements filed under this section.

(e) The State Board shall prescribe and make available forms for the statements required by this section.

14-105.

(a) Except as provided in subsection (e) of this section, [a] AN APPLICABLE contribution made by an officer, director, or partner of a business entity or, if made at the suggestion or direction of a business entity, by an employee, agent, or other person, shall be attributed to the business entity.

(b) Except as provided in subsection (e) of this section, each officer, director, or partner of a business entity who makes [or causes to be made a] AN APPLICABLE contribution shall report the APPLICABLE contribution to the chief executive officer of the business entity.

(c) Each employee, agent, or other person who, at the suggestion or direction of a business entity, makes [a] AN APPLICABLE contribution [or causes a contribution to be made], shall report the APPLICABLE contribution to the chief executive officer of the business entity.

(d) (1) Business done with a governmental entity by a subsidiary of a business entity shall be attributed to the business entity if 30% or more of the equity of the subsidiary is owned or controlled by the business entity.

(2) [Contributions] APPLICABLE CONTRIBUTIONS made by[, caused to be made by,] or attributed to a subsidiary described in paragraph (1) of this subsection shall be attributed to the business entity.

(e) (1) Subject to paragraph (2) of this subsection, [a] AN APPLICABLE contribution made by an individual who serves as a trustee or member of the board of directors of a not-for-profit organization is not attributable to the organization, and the individual is not required to report the APPLICABLE contribution to the chief executive officer of the organization.

(2) This subsection does not apply if:

(Over)

(i) the APPLICABLE contribution is made on the recommendation of the not-for-profit organization; or

(ii) the individual described in paragraph (1) of this subsection is paid by the not-for-profit organization.

14-106.

If a contract involves consideration to be paid over multiple reporting periods, the total ascertainable consideration to be paid under the contract shall be attributable to the date when the contract is made.

14-107.

(a) A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) An officer or partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection (a) of this section.

14-108.

This title shall be liberally construed to require full disclosure.”.