

SENATE BILL 339

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SB 771/01 - EEA

2002 Regular Session
2r1571
CF 2r1630

By: **Senators Pinsky, Conway, Frosh, Green, Harris, Sfikas, and Van Hollen**
Introduced and read first time: January 28, 2002
Assigned to: Education, Health, and Environmental Affairs

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
4 contain certain information about the contributors to the candidate or a political
5 committee; providing that a candidate, chairman, or treasurer is deemed to be in
6 compliance with the requirement if certain actions are taken; providing for the
7 effective date for certain provisions of this Act; providing for the termination of
8 certain provisions of this Act; and generally relating to the inclusion in certain
9 campaign contribution reports of certain information regarding contributors.

10 BY repealing and reenacting, without amendments,
11 Article 33 - Election Code
12 Section 13-401(a)
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

15 BY adding to
16 Article 33 - Election Code
17 Section 13-401(a-3)
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2001 Supplement)

20 BY adding to
21 Article - Election Law
22 Section 13-325
23 Annotated Code of Maryland
24 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2002)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 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 (A-3) (1) THE CAMPAIGN REPORT FILED UNDER THIS SECTION SHALL
16 INCLUDE THE IDENTITY OF THE CONTRIBUTOR BY FULL NAME, MAILING ADDRESS,
17 AND, IF ANY, OCCUPATION AND EMPLOYER, IF:

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

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

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

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

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

33 2. THE REQUIRED INFORMATION IS TIMELY REPORTED,
34 INCLUDING AN AMENDED REPORT TO DISCLOSE ANY REQUIRED INFORMATION
35 OBTAINED BY A FOLLOW-UP REQUEST AND ANY OTHER PREVIOUSLY UNDISCLOSED
36 REQUIRED INFORMATION.

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

