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2002 Regular Session
2lr2227

By: Senator Collins

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

#### A BILL ENTITLED

## 1 AN ACT concerning

# 2 **Elections - Reporting Requirements**

- $3 \ \ FOR \ the \ purpose \ of \ altering \ the \ filing \ deadlines \ for \ certain \ campaign \ finance \ reports;$
- 4 eliminating the requirement that certain political committees must file certain
- 5 campaign finance reports; providing for the effective date of certain provisions of
- 6 this Act; providing for the termination of certain provisions of this Act; and
- 7 generally relating to campaign finance reporting requirements.
- 8 BY repealing and reenacting, with amendments,
- 9 Article 33 Election Code
- 10 Section 13-401
- 11 Annotated Code of Maryland
- 12 (1997 Replacement Volume and 2001 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Election Law
- 15 Section 13-305 and 13-309
- 16 Annotated Code of Maryland
- 17 (As enacted by Chapter \_\_\_ (S.B. 1) of the Acts of the General Assembly of 2002)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 19 MARYLAND, That the Laws of Maryland read as follows:

### 20 Article 33 - Election Code

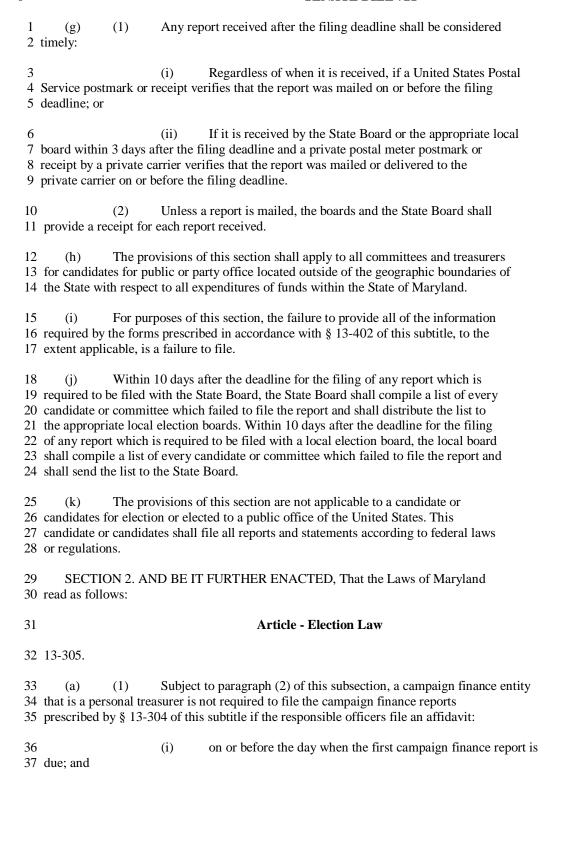
- 21 13-401.
- 22 (a) A candidate for nomination or election to public or party office, including
- 23 write-in candidates, and the treasurer designated by that candidate shall file the
- 24 report or statement of contributions and expenditures as prescribed in accordance
- 25 with § 13-402 of this subtitle with the board at which the candidate filed his
- 26 certificate of candidacy. All reports or statements of contributions and expenditures
- 27 shall be filed in duplicate except those filed with the State Board. Election reports as
- 28 specified below are required by all candidates for public or party office whether or not

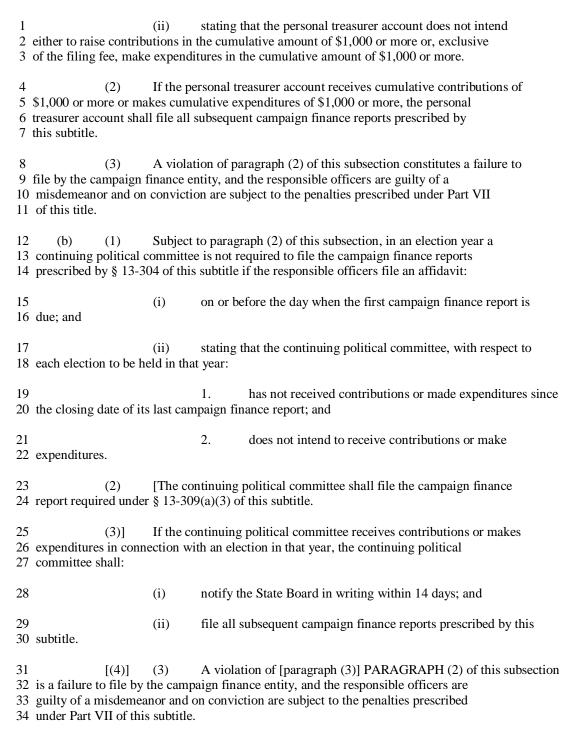
- 1 the candidate's name appears on the primary ballot, or the candidate withdraws
- 2 subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in
- 3 the election. Each report filed shall contain all contributions received and
- 4 expenditures made in furtherance of the candidate's nomination or election by the
- 5 candidate himself or, with the knowledge of the candidate, by any other person or
- 6 groups of persons, which shall be complete, except as otherwise provided in this
- 7 section through and including the seventh day immediately preceding the day by
- 8 which that report is to be filed. The initial report filed shall contain all contributions
- 9 so received and expenditures so made since the date of the last preceding election to
- 10 fill the office for which he is a candidate. Each subsequent report shall contain all
- 11 contributions so received and expenditures so made since the end of the period for
- 12 which the last preceding report is filed. Even if no contributions or expenditures have
- 13 been made since the end of the period for which the last preceding report was filed, a
- 14 statement to that effect must be filed on the forms prescribed pursuant to § 13-402 of
- 15 this subtitle under the circumstances and at the times specified in this section. The
- 16 initial and subsequent reports shall be consecutively filed as follows:
- 17 (1) No later than the fourth Tuesday immediately preceding any primary 18 election; and
- 19 (2) No later than the second Friday immediately preceding any election 20 which shall be complete through and including the preceding Sunday; and
- 21 No later than the third Tuesday after the general election; and
- 22 (4) [If a cash balance exists or if any unpaid bills or deficits remain to be
- 23 paid as of the end of the period for which the report or statement in paragraph (3) of
- 24 this subsection is filed, six months after the general election; and
- 25 (5) If a cash balance exists or if any unpaid bills or deficits remain to be
- 26 paid as of the end of the period for which the report or statement in paragraph (4) of
- 27 this subsection is filed, one year after the general election; and
- 28 (6)] If a cash balance exists or if any unpaid bills or deficits remain to be
- 29 paid as of the end of the period for which the report or statement in [paragraph (5)]
- 30 PARAGRAPH (3) of this subsection or any subsequent report or statement is filed,
- 31 annually on [the anniversary of the general election] THE THIRD WEDNESDAY IN
- 32 JANUARY until no cash balance, unpaid bill, or deficit remains; and
- 33 [(7)] (5) If a cash balance or outstanding debts or deficits were reflected
- 34 on the last preceding report, but have all been eliminated by the date on which the
- 35 next report is due, then a report clearly marked as "final" shall be filed on or before
- 36 such date showing all transactions since the last report; and
- 37 [(8)] (6) If a candidate does not intend to receive contributions or make
- 38 expenditures of \$1,000 or more, exclusive of his filing fee, he and his treasurer may
- 39 jointly execute an affidavit to that effect on a form prescribed by the State Board. If
- 40 he does not in fact receive contributions or make expenditures of \$1,000 or more, no
- 41 further reports need be filed pursuant to this section. The affidavit shall be filed not
- 42 later than the date by which the first report is due. If at any time the cumulative

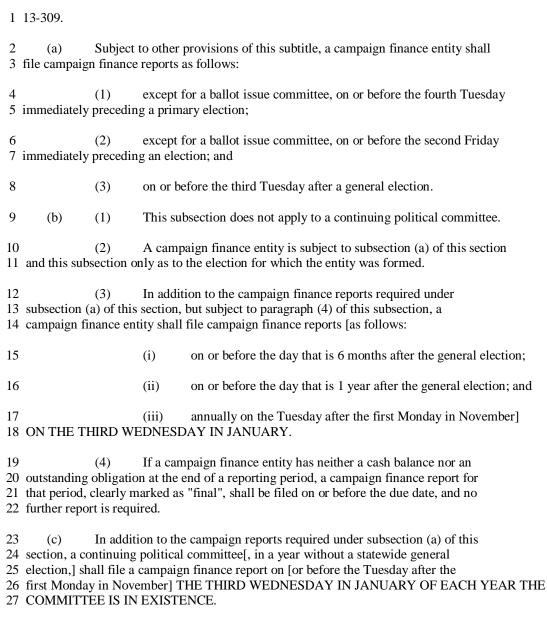
2	or exceed \$1,000, he section and failure to	and his tr do so con	s by a candidate who has filed such an affidavit equal easurer shall thereafter file all reports required by this astitutes a failure to file and the commission of a nalties prescribed in § 13-603 of this title.
5	(a-1) (1)	This sub	section applies to an individual who:
6 7	party office, and each	(i) political	Is not an officeholder or a candidate for election to public or committee affiliated with that individual; and
8 9	with an election camp	(ii) paign, has	After payment of all outstanding debts or deficits in connection a balance of surplus funds in a campaign account.
12	final report under thi	s section mmittee a	vidual described in paragraph (1) of this subsection shall file a to close out the campaign accounts of the individual, affiliated with the individual, by the expiration of the r of:
14		(i)	The end of the individual's most recent term of office;
15 16	candidate; or	(ii)	The date of the election in which the individual last was a
17 18	connection with the	(iii) campaign	The extinguishment of every debt or the deficit incurred in that is payable from the account.
19 20 21	(1) of this subsection	, a persor	filing the final campaign report required under paragraph a subject to paragraph (1) of this subsection shall dispose th § 13-206(d) of this title.
22 23	` ' ' ' '		standing subsection (a-1) of this section, the State Board upon a determination that good cause exists and that:
		(i) account ex	An officer affiliated with the campaign account would be able to cept for outstanding obligations that are more than 5
27 28	connection with the	(ii) campaign	There are no current officers appointed and serving in account; or
29 30	account.	(iii)	Other extenuating circumstances exist to justify closing the
31 32	(2) not limit the right of:		sing of a campaign account by action of the State Board does
	action against former	(i) r officers	The State Board or the State Prosecutor to pursue enforcement or the candidate affiliated with the campaign account;

2	candidate affiliated with the campaign account.
5 6 7 8	(b) (1) Except as provided in paragraph (2) of this subsection, the candidate and treasurer, or, in the case of a political committee, the chairman and treasurer, of an entity subject to the reporting requirements of this section and which is not designated as a continuing committee, as that term is defined by the State Board, also shall file an annual report of contributions and expenditures at the place designated under this section on [November 8] THE THIRD WEDNESDAY IN JANUARY of each year.
	(2) The annual report required under paragraph (1) of this subsection need not be filed in any year in which the entity is required to file reports in accordance with the schedule prescribed under subsection (a) of this section.
15	(c) It is the responsibility of the candidate and treasurer, jointly and severally, if it is the statement of a candidate, and the chairman and treasurer, jointly and severally, if it is the statement of a committee, to file all reports or statements in full and accurate detail.
19 20 21 22 23 24	(d) (1) The chairman and the treasurer of any central committee and the chairman and the treasurer of any political committee which continues in existence from year to year, excluding the chairmen and treasurers of political clubs, shall file the report or statement of contributions and expenditures as prescribed in accordance with § 13-402 of this subtitle with the State Board at each of the times and for the respective periods specified in subsection (a)(1), (2), and (3) of this section and, [in a year in which a general election is not held, on the anniversary of the date of the last general election] ON THE THIRD WEDNESDAY IN JANUARY OF EACH YEAR THE COMMITTEE IS IN EXISTENCE.
28 29 30	(2) (i) In any election year, on or before the dates specified in subsection (a) of this section, in lieu of the scheduled reports required to be filed under that subsection, a political committee which continues in existence from year to year may file an affidavit stating that since the date covered by the last report the committee has not been involved in raising or spending, and does not intend to raise or spend, money for that election.
34 35 36	(ii) [A political committee which continues in existence from year to year that files an affidavit under this paragraph shall also file an annual report on the anniversary date of the last general election giving a statement of all contributions received and expenditures made since the end of the period for which the last preceding report is filed, as prescribed in § 13-402 of this subtitle, with the State Board.
40 41	(iii)] If, subsequent to the filing of the affidavit provided in this paragraph, a political committee which continues in existence from year to year receives contributions or makes expenditures in connection with the election for which it filed the affidavit, the committee shall notify the State Board in writing within 14 days after the receipt of the contributions or the making of the expenditures

- 1 that the committee has resumed receiving contributions or making expenditures, and
- 2 thereafter shall file all scheduled reports on the dates specified in subsection (a) of
- 3 this section. If the committee fails to file the notice required by this subparagraph, or
- 4 thereafter fails to file the scheduled reports on the dates specified in subsection (a) of
- 5 this section, the candidate and the treasurer of the committee are subject to the
- 6 penalties prescribed in §§ 13-402 and 13-403 of this subtitle.
- 7 [(iv)] (III) The State Administrator shall establish by regulations the 8 form of the affidavit to be filed under this paragraph.
- 9 (e) The chairmen and the treasurers of all other committees shall file the
- 10 report or statement of contributions and expenditures, as prescribed in accordance
- 11 with § 13-402 of this subtitle, at each of the times and for the respective periods
- 12 specified in subsection (a) of this section. Each report, filed in accordance with
- 13 paragraphs (1) and (2) of this subsection, shall be filed in duplicate. This report or
- 14 statement shall be filed with:
- 15 (1) The local board of the county or Baltimore City at which a candidate
- 16 supported or opposed by a committee has filed his certificate of candidacy; and
- 17 (2) The local board of the county or Baltimore City in which the
- 18 committee has promoted the success or defeat of a local principle or local proposition
- 19 submitted to a vote at an election only in that county or Baltimore City; and
- 20 (3) The State Board if a candidate supported or opposed by a committee
- 21 has filed his certificate of candidacy with the State Board; and
- 22 (4) The State Board if the committee has promoted the success or defeat
- 23 of a political party, statewide principle, statewide proposition, or other principle or
- 24 proposition submitted to a vote at an election in a county or Baltimore City and all or
- 25 part of another county or counties; and
- 26 (5) The local board of the county or Baltimore City and the State Board if
- 27 the committee supported or opposed candidates filing their certificates of candidacy
- 28 with both the local board and the State Board; and
- 29 (6) The local board and the State Board if the committee has promoted
- 30 the success or defeat of a local principle or local proposition submitted to a vote at an
- 31 election in that county or Baltimore City and has promoted the success or defeat of a
- 32 political party, statewide principle, statewide proposition, or other principle or
- 33 proposition submitted to a vote at an election in more than one county or Baltimore
- 34 City.
- 35 (f) Each candidate, the treasurer of each candidate, and the chairman and
- 36 treasurer of each committee shall be notified by the elections board with which that
- 37 person files reports under this section, by first-class mail and no more than 20 nor
- 38 less than 10 days prior to the applicable filing date, of each report that person is
- 39 required to file. The notice shall include the filing date, the place for filing, the
- 40 penalty for failure to file a timely report, and the telephone number and business
- 41 hours of the office where the report is to be filed.







- 28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
- 29 take effect October 1, 2002. It shall remain effective until the taking effect of Section
- 30 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be
- 31 abrogated and of no further force and effect.
- 32 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
- 33 of Section 3 of this Act, this Act shall take effect January 1, 2003.