HOUSE BILL 227

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Fund-Raising before and after the Legislative Session**

3 FOR the purpose of establishing certain restrictions on the holding of campaign
4   fund-raising events by members of the General Assembly during certain periods
5   before and after a regular session of the General Assembly; providing for a
6   certain exception; making stylistic changes; and generally relating to campaign
7   fund-raising by members of the General Assembly.

8 BY repealing and reenacting, with amendments,
9   Article - Election Law
10   Section 13-235
11   Annotated Code of Maryland
12   (2003 Volume and 2003 Supplement)

13   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15   **Article - Election Law**

16 13-235.

17   [(a)   This section applies to the following officials:

18   (1)   the Governor;

19   (2)   the Lieutenant Governor;

20   (3)   the Attorney General;

21   (4)   the Comptroller; and

22   (5)   a member of the General Assembly.]

23   [(b)]   (A)   Except as provided in subsection [(c) or (d)] (B) OR (C) of this section,
24 during a regular session of the General Assembly [an official described in subsection
25 (a) of this section] THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL,

1 COMPTROLLER, OR A MEMBER OF THE GENERAL ASSEMBLY, or a person acting on
2 behalf of [the official] ONE OF THOSE OFFICIALS, may not, as to a candidate for
3 federal, State, or local office, or a campaign finance entity of the candidate or any
4 other campaign finance entity organized under this title and operated in coordination
5 with a candidate:

6   (1)   receive a contribution;

7   (2)   conduct a fund-raising event;

8   (3)   solicit or sell a ticket to a fund-raising event; or

9   (4)   deposit or use any contribution of money that was not deposited prior
10 to the session.

11   [(c)]   (B)   [An official described in subsection (a) of this section] THE
12 GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR A
13 MEMBER OF THE GENERAL ASSEMBLY, or a person acting on behalf of [the official]
14 ONE OF THOSE OFFICIALS, is not subject to this section when engaged in activities
15 solely related to the official's election to an elective federal or local office for which the
16 official is a filed candidate.

17   [(d)]   (C)   Under the Public Financing Act, a gubernatorial ticket, during the
18 year of the election only, may accept eligible private contributions and any
19 disbursement of funds by the State Board that is based on the eligible private
20 contributions.

21   (D)   (1)   IN ADDITION TO THE RESTRICTIONS SPECIFIED IN SUBSECTION (A)
22 OF THIS SECTION, A MEMBER OF THE GENERAL ASSEMBLY, OR A PERSON ACTING ON
23 BEHALF OF A MEMBER, MAY NOT CONDUCT A FUND-RAISING EVENT OUTSIDE THE
24 MEMBER'S LEGISLATIVE DISTRICT OR SUBDISTRICT:

25   (I)   FROM DECEMBER 31 THROUGH THE FIRST DAY OF THE NEXT
26 FOLLOWING REGULAR LEGISLATIVE SESSION; OR

27   (II)   FROM THE END OF THE REGULAR LEGISLATIVE SESSION
28 THROUGH MAY 1.

29   (2)   NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A
30 PRESIDING OFFICER OF THE GENERAL ASSEMBLY MAY CONDUCT A SINGLE
31 FUND-RAISING EVENT OUTSIDE THE PRESIDING OFFICER'S LEGISLATIVE DISTRICT
32 DURING THE PERIODS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

33   (e)   (1)   As to a violation of this section, the campaign finance entity of the
34 official in violation is liable for a civil penalty as provided in this subsection.

35   (2)   The State Board, represented by the State Prosecutor, may institute
36 a civil action in the circuit court for any county seeking the civil penalty provided in
37 this subsection.

1   (3)   A campaign finance entity that receives a contribution as a result of
2 the violation shall:

3   (i)   refund the contribution to the contributor; and

4   (ii)   pay a civil penalty that equals the sum of $1,000 plus the
5 amount of the contribution.

6   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.