
By: **Delegates Pendergrass, Bobo, Conroy, Goldwater, Kaiser, Madaleno,
Mandel, Montgomery, and F. Turner**

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **The Anti-Culture of Corruption Act of 2004**

3 FOR the purpose of extending the period of time over which certain lobbyists are
4 prohibited from performing certain fund-raising and political activities;
5 prohibiting certain persons doing public business from performing certain
6 fund-raising and political activities; establishing certain criminal penalties for a
7 violation of certain provisions of this Act; and generally relating to prohibited
8 acts regarding fund-raising and political activities.

9 BY adding to

10 Article - Election Law
11 Section 13-210.1
12 Annotated Code of Maryland
13 (2003 Volume and 2003 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Election Law
16 Section 14-101(g)
17 Annotated Code of Maryland
18 (2003 Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - State Government
21 Section 15-714
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2003 Supplement)

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

1

Article - Election Law

2 13-210.1.

3 (A) IN THIS SECTION, "DOING PUBLIC BUSINESS" HAS THE MEANING
4 PROVIDED IN § 14-101(G) OF THIS ARTICLE.

5 (B) THE RESTRICTIONS IN THIS SECTION APPLY FROM THE DATE ON WHICH A
6 PERSON OR RELEVANT BUSINESS ENTITY IS CONSIDERED TO BE DOING PUBLIC
7 BUSINESS TO 1 YEAR AFTER THE DAY ON WHICH THE PERSON OR BUSINESS ENTITY
8 CEASES DOING PUBLIC BUSINESS.

9 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
10 SUBSECTION, A PERSON DOING PUBLIC BUSINESS, AN OFFICER, DIRECTOR, OR
11 PARTNER OF A BUSINESS ENTITY DOING PUBLIC BUSINESS, OR ANOTHER PERSON
12 ACTING ON BEHALF OF THE PERSON, OFFICER, DIRECTOR, OR PARTNER DOING
13 PUBLIC BUSINESS, MAY NOT, FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT
14 GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL
15 ASSEMBLY, OR CANDIDATE FOR ELECTION TO THE OFFICE OF GOVERNOR,
16 LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE
17 GENERAL ASSEMBLY, ENGAGE IN THE FOLLOWING ACTIVITIES:

18 (I) SOLICITING OR TRANSMITTING A POLITICAL CONTRIBUTION
19 FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE;

20 (II) SERVING ON A FUND-RAISING COMMITTEE OR A POLITICAL
21 COMMITTEE;

22 (III) ACTING AS A TREASURER FOR A CANDIDATE OR OFFICIAL OR
23 AS TREASURER OR CHAIRMAN OF A POLITICAL COMMITTEE;

24 (IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE FOR
25 THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY
26 PERSON; OR

27 (V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR
28 OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL
29 CONTRIBUTOR.

30 (2) THIS SECTION DOES NOT PROHIBIT A PERSON DOING PUBLIC
31 BUSINESS, AN OFFICER, DIRECTOR, OR PARTNER OF A BUSINESS ENTITY DOING
32 PUBLIC BUSINESS, OR ANOTHER PERSON ACTING ON BEHALF OF THE PERSON,
33 OFFICER, DIRECTOR, OR PARTNER DOING PUBLIC BUSINESS, FROM:

34 (I) MAKING A PERSONAL POLITICAL CONTRIBUTION;

35 (II) INFORMING ANY ENTITY OF A POSITION TAKEN BY A
36 CANDIDATE OR OFFICIAL; OR

1 (III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY
2 PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3 (3) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS A CANDIDATE
4 WITH RESPECT TO THE PERSON'S OWN CAMPAIGN.

5 (D) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION IS
6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
7 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

8 14-101.

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

12 (2) "Doing public business" does not include receiving a salary from a
13 governmental entity.

14 **Article - State Government**

15 15-714.

16 (a) In this section, "candidate", "contribution", and "political committee" have
17 the meanings provided in § 1-101 of the Election Law Article.

18 (b) This section applies only to a regulated lobbyist described in §
19 15-701(a)(1), (2), (3), or (4) of this subtitle.

20 (c) The restrictions in this section apply from the starting date of the
21 regulated lobbyist's registration to [the end of the calendar year in which the
22 registration period ends] 1 YEAR AFTER THE DAY ON WHICH THE REGULATED
23 LOBBYIST'S REGISTRATION IS TERMINATED.

24 (d) (1) A regulated lobbyist who is subject to this section or a person acting
25 on behalf of the regulated lobbyist may not, for the benefit of the Governor,
26 Lieutenant Governor, Attorney General, Comptroller, or member of the General
27 Assembly, or candidate for election to the office of Governor, Lieutenant Governor,
28 Attorney General, Comptroller, or member of the General Assembly, engage in the
29 following activities:

30 (i) soliciting or transmitting a political contribution from any
31 person, including a political committee;

32 (ii) serving on a fund-raising committee or a political committee;

33 (iii) acting as a treasurer for a candidate or official or as treasurer or
34 chairman of a political committee;

1 (iv) organizing or establishing a political committee for the purpose
2 of soliciting or transmitting contributions from any person; or

3 (v) forwarding tickets for fund-raising activities, or other
4 solicitations for political contributions, to a potential contributor.

5 (2) This section does not prohibit a regulated lobbyist from:

6 (i) making a personal political contribution;

7 (ii) informing any entity of a position taken by a candidate or
8 official; or

9 (iii) engaging in other activities not specifically prohibited under
10 paragraph (1) of this subsection.

11 (3) This section does not apply to a regulated lobbyist who is a candidate
12 with respect to the regulated lobbyist's own campaign.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the short title of this Act
14 is "The Anti-Culture of Corruption Act of 2004".

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2004.