

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senator Pinsky**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Not-for-Profit Organizations - Attribution of Contributions**
3 **by Officers**

4 FOR the purpose of providing that certain campaign contributions made by certain
5 officers of certain not-for-profit organizations are not attributable to the
6 organizations, except under certain circumstances; defining a certain term; and
7 generally relating to the attribution of certain contributions by certain officers of
8 certain not-for-profit organizations.

9 BY repealing and reenacting, with amendments,
10 Article - Election Law
11 Section 14-105
12 Annotated Code of Maryland
13 (2003 Volume and 2004 Supplement)

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

1 **Article - Election Law**

2 14-105.

3 (a) Except as provided in subsection (f) of this section, an applicable
4 contribution made by an officer, director, or partner of a business entity doing public
5 business shall be attributed to the business entity.

6 (b) Except as provided in subsection (f) of this section, each officer, director, or
7 partner of a business entity doing public business who makes an applicable
8 contribution shall report the applicable contribution to the chief executive officer of
9 the business entity.

10 (c) A contribution by an officer, director, partner, employee, agent, or other
11 person made at the suggestion or direction of a business entity doing public business
12 shall be attributed to the business entity.

13 (d) Each officer, director, partner, employee, agent, or other person who, at the
14 suggestion or direction of a business entity doing public business, makes an
15 applicable contribution shall report the applicable contribution to the chief executive
16 officer of the business entity.

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

20 (2) Applicable contributions made by or attributed to a subsidiary
21 described in paragraph (1) of this subsection shall be attributed to the business entity.

22 (f) (1) ~~IN THIS SUBSECTION, "OFFICER" HAS THE MEANING PRESCRIBED BY~~
23 ~~REGULATION ADOPTED BY THE STATE BOARD UNDER § 15-715(G) OF THE STATE~~
24 ~~GOVERNMENT ARTICLE;~~

25 (I) "OFFICER" MEANS AN INDIVIDUAL WHO SERVES AS AN
26 ORGANIZATION'S PRESIDENT OR CHAIRMAN, VICE-PRESIDENT OR VICE-CHAIRMAN,
27 SECRETARY, TREASURER, OR EXECUTIVE DIRECTOR, OR ANY INDIVIDUAL
28 EXERCISING DUTIES COMPARABLE TO THOSE TYPICALLY EXERCISED BY AN
29 INDIVIDUAL HOLDING ONE OF THOSE TITLES IN A NOT-FOR-PROFIT ORGANIZATION;
30 AND

31 (II) "OFFICER" DOES NOT INCLUDE AN INDIVIDUAL HOLDING A
32 TITLE BUT NOT EXERCISING SUBSTANTIAL INDEPENDENT RESPONSIBILITY ON
33 BEHALF OF THE ORGANIZATION SIMILAR TO THE RESPONSIBILITY TYPICALLY
34 EXERCISED BY AN INDIVIDUAL HOLDING ONE OF THE TITLES UNDER ITEM (I) OF
35 THIS PARAGRAPH.

36 [(1)] (2) Subject to paragraph [(2)] (3) of this subsection, an applicable
37 contribution made by an individual who serves as a trustee or member of the board of
38 directors OR AS AN OFFICER of a not-for-profit organization doing public business is

1 not attributable to the organization, and the individual is not required to report the
2 applicable contribution to the chief executive officer of the organization.

3 [(2)] (3) This subsection does not apply if:

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

6 (ii) the individual described in paragraph [(1)] (2) of this subsection
7 is paid by the not-for-profit organization.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.