

HOUSE BILL 296

G1

8lr1445

By: **Delegates Stifler and Norman**

Introduced and read first time: January 24, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Attribution, Receipt, and Deposit of Contributions**

3 FOR the purpose of providing that certain contributions are attributable to a certain
4 reporting period; providing that, for certain purposes, a contribution by
5 electronic transfer or internet transmission is deemed received and deposited
6 when the contribution is issued by the contributor; and generally relating to the
7 attribution, receipt, and deposit of certain contributions.

8 BY repealing and reenacting, with amendments,
9 Article – Election Law
10 Section 13–232 and 13–235
11 Annotated Code of Maryland
12 (2003 Volume and 2007 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 13–232.

17 (a) Except as provided in subsection (b) of this section, a contribution is
18 attributable to the **REPORTING PERIOD AND** election cycle in which [it is received]
19 **THE CONTRIBUTOR ISSUES THE CONTRIBUTION.**

20 (b) A contribution by [check] **CASH** is attributable to the **REPORTING**
21 **PERIOD AND** election cycle in which the [check is issued] **CONTRIBUTION IS**
22 **RECEIVED.**

23 13–235.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section applies to the following officials:

2 (1) the Governor;

3 (2) the Lieutenant Governor;

4 (3) the Attorney General;

5 (4) the Comptroller; and

6 (5) a member of the General Assembly.

7 (b) (1) Except as provided in subsection (c) or (d) of this section, during a
8 regular session of the General Assembly an official described in subsection (a) of this
9 section, or a person acting on behalf of the official, may not, as to a candidate for
10 federal, State, or local office, or a campaign finance entity of the candidate or any
11 other campaign finance entity organized under this title and operated in coordination
12 with a candidate:

13 [(1)] (I) receive a contribution;

14 [(2)] (II) conduct a fund-raising event;

15 [(3)] (III) solicit or sell a ticket to a fund-raising event; or

16 [(4)] (IV) deposit or use any contribution of money that was not
17 deposited prior to the session.

18 (2) **FOR THE PURPOSES OF THIS SUBSECTION, A CONTRIBUTION**
19 **BY ELECTRONIC TRANSFER OR INTERNET TRANSMISSION IS DEEMED RECEIVED**
20 **AND DEPOSITED WHEN THE CONTRIBUTION IS ISSUED BY THE CONTRIBUTOR.**

21 (c) An official described in subsection (a) of this section, or a person acting on
22 behalf of the official, is not subject to this section when engaged in activities solely
23 related to the official's election to an elective federal or local office for which the official
24 is a filed candidate.

25 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of
26 the election only, may accept eligible private contributions and any disbursement of
27 funds by the State Board that is based on the eligible private contributions.

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

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

1 (3) A campaign finance entity that receives a contribution as a result
2 of 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, 2008.