

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1432

(Delegates Ivey and Vallario)

Ways and Means

Education, Health, and Environmental Affairs

Election Law - Campaign Finance - Affidavit and Signature

This bill makes changes regarding the use of electronic signatures for forms, documents, reports, or affidavits required by the State Board of Elections and filing of affidavits of specified limited contributions and expenditures in lieu of campaign finance reports.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: Costs to modify campaign finance report electronic filing software to allow for electronic signatures could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the State Board of Elections to accept an electronic signature for any form, document, report, or affidavit it requires pursuant to State law. A campaign finance report submitted using an electronic format must, among other things, require an electronic signature from the treasurer at the time of the filing of the campaign finance report. A person may not make an electronic submission of a prescribed form, affidavit, campaign finance report, or other document on behalf of another person without that person's express consent.

The bill also repeals existing provisions generally allowing for specified affidavits of limited contributions and expenditures (of less than \$1,000) to be filed by a candidate's authorized political committee in lieu of campaign finance reports. A similar provision is instead added, allowing for an affidavit to be filed by any campaign finance entity in lieu of any campaign finance report which states that the campaign finance entity has not raised or spent a cumulative amount of \$1,000 or more since • establishing the campaign finance entity; or • filing the campaign finance entity's last campaign finance report. Unlike the existing provisions, an affidavit would not remain in effect for subsequent reporting periods in which the campaign finance entity does not raise or spend a cumulative amount of \$1,000 or more. Instead, an affidavit would need to be filed for each reporting period.

Current Law: For each election a campaign finance entity has indicated it will participate in on its statement of purpose filed with SBE, the campaign finance entity must file campaign finance reports at various times prior to and after the primary and general elections. The reports must contain information required by SBE with respect to all contributions received and all expenditures made by or on behalf of the campaign finance entity during a reporting period. Annual reports generally must also be filed on the third Wednesday in January. A campaign finance entity with no cash balance or outstanding obligations at the end of a reporting period may mark a campaign finance report as "final" and not be obligated to file any further reports. The chairman and treasurer of a campaign finance entity are jointly and severally responsible for filing all campaign finance reports in full and accurate detail.

A candidate's authorized political committee (campaign finance entity) may file, on or before the day when the first campaign finance report is due, an affidavit generally stating that the campaign finance entity does not intend to raise contributions of \$1,000 or more or spend \$1,000 or more and not be obligated to file campaign finance reports unless the campaign finance entity later receives or spends \$1,000 or more.

A candidate's authorized political committee may also file a similar affidavit in place of campaign finance reports, stating that the campaign finance entity generally did not raise contributions of \$1,000 or more or spend \$1,000 or more during the applicable reporting period and not be required to file further campaign finance reports, with the exception of the annual report in January. If a campaign finance entity later receives or spends \$1,000 or more in a reporting period, a campaign finance report must be filed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Department of Legislative Services

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