

# HOUSE BILL 661

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HB 347/08 – W&M

9lr1233

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By: **Delegates Ali and Bobo**

Introduced and read first time: February 9, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Special Session Campaign Finance Reform Act**

3 FOR the purpose of prohibiting certain elected officials from engaging in certain  
4 campaign fund-raising activities during a special session of the General  
5 Assembly; requiring a certain campaign finance entity to file a campaign  
6 finance report on a certain date, under certain circumstances, in the event of a  
7 special session of the General Assembly; and generally relating to a prohibition  
8 on and reporting of certain campaign financing activities during a special  
9 session of the General Assembly.

10 BY repealing and reenacting, without amendments,  
11 Article – Election Law  
12 Section 13–235(a), 13–304(a)(1), and 13–312  
13 Annotated Code of Maryland  
14 (2003 Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Election Law  
17 Section 13–235(b)  
18 Annotated Code of Maryland  
19 (2003 Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Election Law  
22 Section 13–309  
23 Annotated Code of Maryland  
24 (2003 Volume and 2008 Supplement)  
25 (As enacted by Chapters 40 and 510 of the Acts of the General Assembly of  
26 2006, Chapters 219 and 449 of the Acts of the General Assembly of 2007,  
27 and Chapter 543 of the Acts of the General Assembly of 2008)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Election Law**

13–235.

(a) This section applies to the following officials:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Attorney General;

(4) the Comptroller; and

(5) a member of the General Assembly.

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

(1) receive a contribution;

(2) conduct a fund–raising event;

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

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

13–304.

(a) (1) From the date of its organization until its termination under the provisions of this title, a campaign finance entity, except a political club, shall file a campaign finance report at the times, for the periods, and at the locations required by §§ 13–309, 13–312, and 13–316 of this subtitle.

13–309.

(a) Subject to other provisions of this subtitle, a campaign finance entity shall file campaign finance reports as follows:

(1) except for a ballot issue committee, on or before the fourth Tuesday immediately preceding each primary election except a presidential primary election;

(2) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(3) on or before the second Friday immediately preceding a general election; and

(4) on or before the third Tuesday after a general election.

(b) (1) A campaign finance entity is subject to subsection (a) of this section and this subsection only as to the election in which the entity designates that it will participate.

(2) In addition to the campaign finance reports required under subsection (a) of this section, but subject to paragraph (4) of this subsection, a campaign finance entity shall file campaign finance reports on:

(I) the third Wednesday in January; AND

(II) **IN THE EVENT OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY THAT IS NOT IMMEDIATELY PRECEDED BY A REGULAR SESSION, 7 DAYS AFTER THE DAY ON WHICH THE SPECIAL SESSION BEGINS.**

(3) (i) If subsequent to the filing of its declaration under § 13-208(c)(3) of this title, a campaign finance entity participates in an election in which it was not designated to participate, the campaign finance entity shall file all campaign reports prescribed under subsection (a) of this section for that election.

(ii) A violation of subparagraph (i) of this paragraph constitutes a failure to file by the campaign finance entity, and the responsible officer is guilty of a misdemeanor and on conviction is subject to the penalties prescribed under Part VII of this subtitle.

(4) If a campaign finance entity has neither a cash balance nor an outstanding obligation at the end of a reporting period, a campaign finance report for that period, clearly marked as “final”, shall be filed on or before the due date, and no further report is required.

(c) In addition to the campaign reports required under subsection (a) of this section, a continuing political committee shall file a campaign finance report on the third Wednesday in January of each year the committee is in existence.

13-312.

1 (a) Campaign finance reports filed under § 13–304 of this subtitle shall cover  
2 the following reporting periods:

3 (1) the first campaign finance report shall cover the period from the  
4 date of organization of the campaign finance entity through the day specified in item  
5 (3) of this section;

6 (2) each subsequent campaign finance report shall cover the period  
7 from the closing date of the previous campaign finance report through the day  
8 specified in item (3) of this section;

9 (3) (i) except as provided in item (ii) of this item, each campaign  
10 finance report shall cover the period that includes the seventh day before the day the  
11 campaign finance report is due; but

12 (ii) the campaign finance report that is required on or before the  
13 second Friday immediately preceding an election shall cover the period through and  
14 including the preceding Sunday; and

15 (4) if no contribution is received and no expenditure is made during  
16 the period covered by a campaign finance report, the campaign finance entity shall file  
17 a campaign finance report or an affidavit under § 13–305 of this subtitle to that effect.

18 (b) A campaign finance report preceded by an affidavit filed in accordance  
19 with this subtitle shall cover the period from the closing date of the previous campaign  
20 finance report or date of organization of the campaign finance entity through the day  
21 specified in subsection (a)(3) of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2009.