

# HOUSE BILL 723

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By: **Delegates Barve and Cardin**

Introduced and read first time: February 10, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Campaign Finance Entity - Authority of Chairman to Make a**  
3 **Disbursement**

4 FOR the purpose of providing that, in certain circumstances, the chairman, rather  
5 than the treasurer, of a campaign finance entity, may make a disbursement for  
6 the campaign finance entity; requiring the chairman to submit a certain report  
7 to the treasurer of the campaign finance entity; prohibiting a chairman who is a  
8 candidate from making a disbursement; and generally relating to the authority  
9 of a chairman to make a disbursement for a campaign finance entity.

10 BY repealing

11 Article - Election Law  
12 Section 13-211 and 13-219  
13 Annotated Code of Maryland  
14 (2003 Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Election Law  
17 Section 13-215 and 13-218  
18 Annotated Code of Maryland  
19 (2003 Volume and 2008 Supplement)

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

22 **Article - Election Law**

23 [13-211.

24 (a) A treasurer for a campaign finance entity may appoint a subtreasurer for  
25 any county or political subdivision.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Notwithstanding subsection (a) of this section, as to any county, a  
2 treasurer of the State or county central committee of a political party may appoint a  
3 subtreasurer for each precinct in the county.

4 (c) A treasurer may appoint a subtreasurer under subsection (a) or (b) of this  
5 section by:

6 (1) completing a form that the State Board prescribes and that  
7 includes the name and address of that subtreasurer; and

8 (2) filing the form with the board where the campaign finance entity is  
9 established.]

10 13–215.

11 (a) Each chairman, treasurer, [subtreasurer,] and campaign manager shall  
12 be a registered voter of the State.

13 (b) (1) Subject to paragraph (2) of this subsection, a candidate may not  
14 act:

15 (i) as the treasurer [or subtreasurer] of a campaign finance  
16 entity of the candidate; or

17 (ii) with respect to any other campaign finance entity:

18 1. as the campaign manager[, treasurer, or  
19 subtreasurer] **OR TREASURER**; or

20 2. in any other position that exercises general overall  
21 responsibility for the conduct of the entity.

22 (2) (i) An incumbent member of a central committee who is a  
23 candidate for election to party office may act as the treasurer of that central  
24 committee.

25 (ii) With respect to any campaign finance entity other than the  
26 candidate's own campaign finance entity, a candidate for delegate to the Democratic  
27 National Convention or a candidate for delegate to the Republican National  
28 Convention may act:

29 1. as the campaign manager[, treasurer, or  
30 subtreasurer] **OR TREASURER**; or

31 2. in any other position that exercises general overall  
32 responsibility for the conduct of the entity.

1 (c) Subject to subsection (b) of this section, the chairman, treasurer,  
2 [subtreasurer,] or campaign manager of a campaign finance entity may serve as the  
3 chairman, treasurer, [subtreasurer,] or campaign manager of another campaign  
4 finance entity.

5 13–218.

6 (a) All assets received by or on behalf of a campaign finance entity shall be:

7 (1) delivered to the treasurer; and

8 (2) maintained by the treasurer for the purposes of the campaign  
9 finance entity.

10 (b) (1) Assets of a campaign finance entity may be disbursed only:

11 (i) if they have passed through the hands of the treasurer; and

12 (ii) in accordance with the purposes of the entity.

13 (2) Subject to § 13–220(b)(2) and (c) of this subtitle **AND EXCEPT AS**  
14 **PROVIDED IN SUBSECTION (D) OF THIS SECTION**, the treasurer shall make all  
15 disbursements for the campaign finance entity.

16 (c) The treasurer of a State or county central committee of a political party  
17 may not make any disbursement of the central committee's assets, or incur any  
18 liability on its behalf, without authority and direction from the chairman of the central  
19 committee.

20 **(D) (1) THIS SUBSECTION APPLIES ONLY WHEN THE TREASURER IS**  
21 **TEMPORARILY UNABLE TO PERFORM THE DUTIES AND RESPONSIBILITIES**  
22 **PRESCRIBED UNDER THIS TITLE BECAUSE THE TREASURER IS ILL OR OUTSIDE**  
23 **THE STATE.**

24 **(2) IN ACCORDANCE WITH THIS SUBSECTION, THE CHAIRMAN OF**  
25 **A CAMPAIGN FINANCE ENTITY MAY MAKE A DISBURSEMENT ON BEHALF OF THE**  
26 **CAMPAIGN FINANCE ENTITY IN THE SAME MANNER AS THE TREASURER.**

27 **(3) IF THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS**  
28 **SUBSECTION, WITHIN 7 DAYS AFTER THE TREASURER RESUMES THE DUTIES OF**  
29 **THE OFFICE, THE CHAIRMAN SHALL SUBMIT A REPORT TO THE TREASURER FOR**  
30 **THE ACCOUNT BOOK OF THE CAMPAIGN FINANCE ENTITY, INCLUDING:**

31 **(I) A STATEMENT OF ALL EXPENDITURES MADE AND**  
32 **OBLIGATIONS INCURRED UNDER THE AUTHORITY OF THE CHAIRMAN;**

1                   **(II) THE NAME AND ADDRESS OF EACH PERSON TO WHOM AN**  
2 **EXPENDITURE WAS MADE;**

3                   **(III) THE PURPOSE FOR WHICH EACH EXPENDITURE WAS**  
4 **MADE; AND**

5                   **(IV) A COPY OF THE RECEIPT FOR EACH EXPENDITURE THAT**  
6 **WAS MADE.**

7                   **(4) A CHAIRMAN WHO IS A CANDIDATE MAY NOT MAKE A**  
8 **DISBURSEMENT FOR A CAMPAIGN FINANCE ENTITY.**

9 [13–219.

10           (a) A subtreasurer shall:

11                   (1) deposit, disburse, and account for funds in the same manner as,  
12 and under the authority of, the treasurer;

13                   (2) submit a campaign finance report under oath to the treasurer on a  
14 form that the State Board prescribes; and

15                   (3) include with the report a copy of each campaign contribution  
16 receipt issued.

17           (b) The campaign finance report filed by the campaign finance entity under  
18 Subtitle 3 of this title shall have attached to it a copy of the campaign finance report of  
19 the subtreasurer and account for the items in the subtreasurer's report.]

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2009.