

HOUSE BILL 723

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9lr2811

By: ~~Delegates Barve and Cardin~~, **Cardin, Frick, and Ivey**

Introduced and read first time: February 10, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2009

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Campaign Finance Entity – ~~Authority of Chairman to Make a~~**
3 **~~Disbursement~~ Officers Authorized to Perform Duties of Treasurer**

4 FOR the purpose of ~~providing that, in certain circumstances, the chairman, rather~~
5 ~~than the treasurer, of a campaign finance entity, may~~ repealing the office of
6 subtreasurer of a campaign finance entity; authorizing the chairman of a
7 campaign finance entity to make a disbursement for the campaign finance
8 entity; requiring ~~the chairman~~ a chairman who makes a disbursement to submit
9 a certain report to the treasurer of the campaign finance entity within a certain
10 number of days after the occurrence of certain events; prohibiting a chairman
11 who is a candidate from making a disbursement; and generally relating to ~~the~~
12 authority of a chairman to make a disbursement for a campaign finance entity
13 officers of a campaign finance entity who are authorized to perform the duties of
14 the treasurer.

15 BY repealing

16 Article – Election Law
17 Section 13–211 and 13–219
18 Annotated Code of Maryland
19 (2003 Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Election Law
22 Section 13–215 and 13–218
23 Annotated Code of Maryland
24 (2003 Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article - Election Law**

4 [13-211.

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

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

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

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

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

16 13-215.

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

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

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

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

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

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

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

1 (ii) With respect to any campaign finance entity other than the
2 candidate's own campaign finance entity, a candidate for delegate to the Democratic
3 National Convention or a candidate for delegate to the Republican National
4 Convention may act:

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

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

9 (c) Subject to subsection (b) of this section, the chairman, treasurer,
10 [subtreasurer,] or campaign manager of a campaign finance entity may serve as the
11 chairman, treasurer, [subtreasurer,] or campaign manager of another campaign
12 finance entity.

13 13-218.

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

15 (1) delivered to the treasurer; and

16 (2) maintained by the treasurer for the purposes of the campaign
17 finance entity.

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

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

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

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

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

28 (D) (1) ~~THIS SUBSECTION APPLIES ONLY WHEN THE TREASURER IS~~
29 ~~TEMPORARILY UNABLE TO PERFORM THE DUTIES AND RESPONSIBILITIES~~
30 ~~PRESCRIBED UNDER THIS TITLE BECAUSE THE TREASURER IS ILL OR OUTSIDE~~
31 ~~THE STATE.~~

1 ~~(2)~~ IN ACCORDANCE WITH THIS SUBSECTION, THE CHAIRMAN OF
 2 A CAMPAIGN FINANCE ENTITY MAY MAKE A DISBURSEMENT ON BEHALF OF THE
 3 CAMPAIGN FINANCE ENTITY IN THE SAME MANNER AS THE TREASURER.

4 ~~(3)~~ (2) ~~IF EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
 5 SUBSECTION, IF THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS
 6 SUBSECTION, WITHIN 7 DAYS AFTER THE TREASURER RESUMES THE DUTIES OF
 7 THE OFFICE MAKING THE DISBURSEMENT, THE CHAIRMAN SHALL SUBMIT A
 8 REPORT TO THE TREASURER FOR THE ACCOUNT BOOK OF THE CAMPAIGN
 9 FINANCE ENTITY, INCLUDING:

10 (I) A STATEMENT OF ~~ALL EXPENDITURES MADE AND~~
 11 ~~OBLIGATIONS INCURRED~~ THE EXPENDITURE MADE UNDER THE AUTHORITY OF
 12 THE CHAIRMAN;

13 (II) THE NAME AND ADDRESS OF ~~EACH~~ THE PERSON TO
 14 WHOM ~~AN~~ THE EXPENDITURE WAS MADE;

15 (III) THE PURPOSE FOR WHICH ~~EACH~~ THE EXPENDITURE
 16 WAS MADE; AND

17 (IV) A COPY OF THE RECEIPT FOR ~~EACH~~ THE EXPENDITURE
 18 THAT WAS MADE.

19 (3) (I) IF THE TREASURER IS TEMPORARILY UNABLE TO
 20 PERFORM THE DUTIES OF THE OFFICE AT THE TIME THE CHAIRMAN MAKES A
 21 DISBURSEMENT UNDER THIS SUBSECTION, THE CHAIRMAN SHALL SUBMIT A
 22 REPORT TO THE TREASURER FOR THE ACCOUNT BOOK OF THE CAMPAIGN
 23 FINANCE ENTITY WITHIN 7 DAYS AFTER THE TREASURER RESUMES THE DUTIES
 24 OF THE OFFICE.

25 (II) THE REPORT SHALL INCLUDE THE INFORMATION
 26 REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH
 27 EXPENDITURE MADE UNDER THE AUTHORITY OF THE CHAIRMAN DURING THE
 28 PERIOD THAT THE TREASURER WAS UNABLE TO PERFORM THE DUTIES OF THE
 29 OFFICE.

30 (4) A CHAIRMAN WHO IS A CANDIDATE MAY NOT MAKE A
 31 DISBURSEMENT FOR A CAMPAIGN FINANCE ENTITY.

32 [13-219.

33 (a) A subtreasurer shall:

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.