

# HOUSE BILL 1398

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By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Campaign Finance - Revisions**

3 FOR the purpose of repealing certain references to certain responsibilities of the local  
4 boards of elections for certain campaign finance filings; repealing references to  
5 subtreasurers and campaign managers; requiring a candidate to establish an  
6 authorized political committee before filing a declaration of intent; requiring a  
7 candidate or officer of a slate to file a certain written notice with the State  
8 Board; requiring the State Board to remove a candidate from a slate after  
9 receiving written notice from the slate members and officers; prohibiting a  
10 political committee from engaging in campaign finance activity without filling  
11 certain offices of the political committee; requiring certain officers of a political  
12 committee to notify the State Board of Elections within a certain time period of  
13 an address change; requiring a designated campaign account to make campaign  
14 funds available at certain times and without the imposition of a penalty in  
15 certain situations; requiring that only the treasurer of the political committee  
16 may have signatory authority over the campaign account; specifying that the  
17 treasurer of a campaign finance entity shall make certain reimbursements;  
18 repealing certain prohibited expenditures; clarifying that a campaign finance  
19 entity may not directly or indirectly use campaign funds for personal use of the  
20 candidate or certain officers of the political committee; clarifying which  
21 expenditures a treasurer of a political committee may authorize; requiring a  
22 certain campaign finance report to be made under oath and to the State Board;  
23 authorizing certain expenditures to be made by electronic disbursements;  
24 clarifying the certain time period when a treasurer is required to issue a receipt  
25 for a contribution; requiring a campaign finance entity to notify the State Board  
26 within a certain time after its participation in an election under certain  
27 circumstances; specifying a certain penalty for violation of certain participation  
28 and notification requirements; clarifying when certain notice requirements for  
29 failure to file a campaign finance report are satisfied; allowing certain affidavits  
30 to be filed after a certain date and subject to certain penalties; repealing

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 redundant provisions prohibiting a certain type of contribution to a political  
 2 committee; requiring the State Board to assume certain duties of the Secretary  
 3 of State; making certain technical changes; and generally relating to revision of  
 4 the campaign finance laws.

5 BY repealing and reenacting, with amendments,  
 6 Article – Election Law  
 7 Section 13–202, 13–207, 13–209, 13–214, 13–215, 13–220, 13–222, 13–245,  
 8 13–304, 13–305, 13–321, 13–322, 13–323, 13–327, 13–328, 13–331,  
 9 13–335, 13–602, and 13–605  
 10 Annotated Code of Maryland  
 11 (2003 Volume and 2008 Supplement)

12 BY repealing  
 13 Article – Election Law  
 14 Section 13–211, 13–212, 13–219, 13–316, and 13–317  
 15 Annotated Code of Maryland  
 16 (2003 Volume and 2008 Supplement)

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

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

27 **Article – Election Law**

28 13–202.

29 (a) Unless otherwise expressly authorized by law, all campaign finance  
 30 activity for an election under this article shall be conducted through a campaign  
 31 finance entity.

32 (b) An individual may not file a certificate of candidacy **OR DECLARATION**  
 33 **OF INTENT** until the individual establishes, or causes to be established, an authorized  
 34 [political] **CANDIDATE CAMPAIGN** committee.

35 13–207.

36 (a) This section applies to a political committee other than a political club.

1 (b) A political committee may not receive or disburse money or any other  
2 thing of value unless the political committee is established in accordance with the  
3 requirements of this section.

4 (c) To establish a political committee:

5 (1) a chairman and a treasurer shall be appointed on a form that the  
6 State Board prescribes and that is signed by the chairman and treasurer and includes:

7 (i) the residence addresses of the chairman and the treasurer;  
8 and

9 (ii) the information required by § 13–208 of this subtitle; and

10 (2) the form shall be filed with the board where the political committee  
11 is required to file campaign finance reports.

12 **(D) THE CHAIRMAN AND TREASURER MUST NOTIFY THE STATE BOARD**  
13 **OF A CHANGE OF RESIDENCE OR MAILING ADDRESS WITHIN 30 DAYS OF THE**  
14 **CHANGE.**

15 [(d)] **(E) (1) A chairman or treasurer of a political committee may resign**  
16 **by completing a resignation form that the State Board prescribes and filing the form**  
17 **with the [board where the political committee was established] STATE BOARD.**

18 (2) If a vacancy occurs in the office of chairman or the office of  
19 treasurer, the political committee promptly shall appoint a new chairman or treasurer  
20 in accordance with this section.

21 **(3) THE POLITICAL COMMITTEE MAY NOT RECEIVE**  
22 **CONTRIBUTIONS OR MAKE EXPENDITURES WHEN A VACANCY EXISTS.**

23 **(4) A CHAIRMAN OR TREASURER MAY NOT RESIGN IF THE**  
24 **INDIVIDUAL IS THE SOLE RESPONSIBLE OFFICER.**

25 13–209.

26 (a) Two or more candidates who have established separate campaign finance  
27 entities may form a slate.

28 (b) After establishing a campaign finance entity in accordance with §  
29 13–202(b) of this subtitle, a candidate may join a slate.

30 (c) (1) To join a slate, a candidate shall file a written notice with the  
31 [board where the candidate filed a certificate of candidacy] **STATE BOARD.**

32 (2) The notice shall specify:

- 1 (i) the name of the slate that the candidate has joined; and  
2 (ii) the date on which the candidate joined the slate.

3 **(D) THE STATE BOARD SHALL REMOVE A CANDIDATE FROM THE SLATE**  
4 **ON RECEIPT OF A WRITTEN NOTICE SUBMITTED BY:**

5 **(1) THAT CANDIDATE; OR**

6 **(2) THE TREASURER, CHAIRMAN, AND OTHER CANDIDATE**  
7 **MEMBERS OF THE SLATE.**

8 [13–211.

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

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

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

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

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

20 [13–212.

21 An individual may appoint a campaign manager by:

22 (1) completing a form that the State Board prescribes and that  
23 includes the name and address of that campaign manager; and

24 (2) filing the form with the board where the individual is required to  
25 file a certificate of candidacy.]

26 13–214.

27 (a) The responsible officers of a campaign finance entity are jointly and  
28 severally responsible for filing all campaign finance reports in full and accurate detail  
29 and for all other actions of the entity.

1           **(B) (1) A TREASURER MAY NOT DELEGATE TO ANOTHER PERSON ANY**  
2 **RESPONSIBILITY OR OBLIGATION ASSIGNED UNDER THIS TITLE.**

3           **(2) A TREASURER MAY OBTAIN ADMINISTRATIVE ASSISTANCE IN**  
4 **COMPLETING THE RESPONSIBILITIES AND OBLIGATIONS ASSIGNED UNDER THIS**  
5 **TITLE.**

6           **[(b)] (C)** Notice shall be provided to a campaign finance entity by serving  
7 the responsible officers.

8 13–215.

9           (a) Each chairman[,] **AND** treasurer[, subtreasurer, and campaign manager]  
10 shall be a registered voter of the State.

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

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

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

16                                       1. as the campaign manager, treasurer, or subtreasurer;  
17 or

18                                       2.] in any other position that exercises general overall  
19 responsibility for the conduct of the entity.

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

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

27                                       1. as [the campaign manager,] treasurer[, or  
28 subtreasurer]; or

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

31           (c) Subject to subsection (b) of this section, the chairman[,] **OR** treasurer[,  
32 subtreasurer, or campaign manager] of a campaign finance entity may serve as the

1 chairman[,] **OR** treasurer[, subtreasurer, or campaign manager] of another campaign  
2 finance entity.

3 [13–219.

4 (a) A subtreasurer shall:

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

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

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

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

14 13–220.

15 (a) (1) Each campaign finance entity shall designate one or more  
16 campaign accounts.

17 (2) Each designated campaign account shall:

18 (i) be in a financial institution **THAT IS LOCATED IN THE**  
19 **STATE**; [and]

20 (ii) be registered in a manner that identifies it as the account of  
21 a campaign finance entity; **AND**

22 **(III) MAKE CAMPAIGN FUNDS ACCESSIBLE AT ALL TIMES.**

23 **(3) A DESIGNATED CAMPAIGN ACCOUNT MAY NOT IMPOSE A**  
24 **PENALTY FOR WITHDRAWAL OR HAVE A RISK OF DEPRECIATION.**

25 **(4) A campaign finance entity shall deposit all funds received in a**  
26 **designated campaign account.**

27 **(5) ONLY THE DULY APPOINTED TREASURER OF THE POLITICAL**  
28 **COMMITTEE SHALL HAVE SIGNATORY AUTHORITY OVER THE CAMPAIGN**  
29 **ACCOUNT.**

1 (b) (1) Subject to paragraph (2) of this subsection and subsection (c) of  
2 this section, a campaign finance entity may not directly or indirectly make a  
3 disbursement except by check from a campaign account designated under subsection  
4 (a) of this section.

5 (2) A campaign finance entity, or a person authorized by the campaign  
6 finance entity, may pay an expense of the campaign finance entity from funds other  
7 than a campaign account if:

8 (i) the expense is supported by a receipt that is provided to the  
9 campaign finance entity; and

10 (ii) the **TREASURER OF THE** campaign finance entity  
11 reimburses the person who paid the expense by check from the campaign account and  
12 reports the expense as an expenditure of the campaign finance entity in accordance  
13 with Subtitle 3 of this title.

14 **(C) A CAMPAIGN FINANCE ENTITY MAY DIRECTLY OR INDIRECTLY MAKE**  
15 **AN ELECTRONIC DISBURSEMENT FOR CHARGES ASSOCIATED WITH:**

16 **(1) MAINTENANCE OF THE CAMPAIGN ACCOUNT AT A FINANCIAL**  
17 **INSTITUTION; OR**

18 **(2) SERVICES PROVIDED WITH THE PROCESSING OF**  
19 **CONTRIBUTIONS RECEIVED BY THE INTERNET.**

20 **[(c)] (D)** (1) A campaign finance entity may maintain a petty cash fund.

21 (2) The campaign finance entity shall maintain a separate account  
22 book for the petty cash fund.

23 (3) The petty cash fund:

24 (i) may not exceed \$250 at any time; and

25 (ii) may be replenished only by check from a campaign account  
26 designated under subsection (a) of this section.

27 (4) Not more than \$25 may be disbursed from the petty cash fund in a  
28 primary or general election to a single recipient.

29 (5) Each petty cash expenditure shall be supported by a receipt and  
30 reported by category on the appropriate campaign finance report.

31 (6) This subsection does not authorize an expenditure that otherwise  
32 is unlawful under this article.

1 13-222.

2 (a) (1) [On receiving and before depositing a contribution specified in  
3 paragraph (2) of this subsection] **WITHIN 30 DAYS OF RECEIVING A CONTRIBUTION**,  
4 a treasurer [or subtreasurer] shall issue a campaign contribution receipt on the form  
5 that the State Board prescribes.

6 (2) A campaign contribution receipt shall be mailed or delivered to  
7 each person who:

8 (i) makes one or more contributions, other than the purchase of  
9 tickets for a campaign event, in the cumulative amount of \$51 or more; or

10 (ii) purchases one or more tickets for a campaign event:

11 1. at a cost of \$51 or more per ticket; or

12 2. in the cumulative amount of \$251 or more.

13 (3) At the request of a contributor, a treasurer [or subtreasurer] shall  
14 issue a campaign contribution receipt for any other contribution.

15 (4) A campaign contribution receipt issued under this section is  
16 evidence of the contribution.

17 (b) The information from a campaign contribution receipt shall be included  
18 in the campaign finance report filed by the treasurer [or subtreasurer] under this title.

19 13-245.

20 [(a) In this section, "walk-around services" means the following activities if  
21 performed for money while the polls are open:

22 (1) distributing campaign material;

23 (2) stationing a person, including oneself, or an object in the path of a  
24 voter;

25 (3) electioneering or canvassing as described in § 16-206 of this  
26 article;

27 (4) communicating in any other manner a voting preference or choice;  
28 or

29 (5) performing any other service as a poll worker or distributor of  
30 sample ballots.



1 (b) This section does not apply to:

2 (1) meals, beverages, and refreshments served to campaign workers;

3 (2) salaries of regularly employed personnel in campaign  
4 headquarters;

5 (3) media advertising, including newspaper, radio, television,  
6 billboard, or aerial advertising;

7 (4) rent and regular office expenses; or

8 (5) the cost of telephoning voters or transporting voters to and from  
9 polling places.

10 (c) (A) [(1)] A campaign finance entity, or a person acting on its behalf,  
11 may not at any time, directly or indirectly, pay or incur an obligation to pay, and a  
12 person may not, directly or indirectly, receive any money or thing of value, for a  
13 political endorsement.

14 [(2) (i)] (B) (1) A campaign finance entity, or a person acting on its  
15 behalf, that pays any person for walk-around services shall make all payments by  
16 check from a campaign account designated under § 13-220(a) of this subtitle.

17 [(ii)] (2) All payments made under subparagraph (i) of this  
18 paragraph shall be reported in accordance with § 13-304 of this title.

19 (C) **A CAMPAIGN FINANCE ENTITY MAY NOT DIRECTLY OR INDIRECTLY**  
20 **USE CAMPAIGN FUNDS FOR THE PERSONAL USE OF THE CANDIDATE OR**  
21 **RESPONSIBLE OFFICERS OF THE CAMPAIGN FINANCE ENTITY.**

22 (D) **A TREASURER MAY NOT AUTHORIZE ANY EXPENDITURES OUTSIDE**  
23 **THE SCOPE OF § 1-101(Y) OF THIS ARTICLE.**

24 13-304.

25 (a) (1) From the date of its organization until its termination under the  
26 provisions of this title, a campaign finance entity, except a political club, shall file a  
27 campaign finance report **UNDER OATH TO THE STATE BOARD** at the times[,] **AND**  
28 for the periods[, and at the locations] required by §§ 13-309[,] **AND** 13-312[, and  
29 13-316] of this subtitle.

30 (2) A campaign finance report submitted using an electronic format  
31 shall:

32 (i) be made under oath or affirmation;

1 (ii) require an electronic signature from the treasurer at the  
2 time of the filing of the campaign finance report; and

3 (iii) be made subject to the penalties for perjury.

4 (b) A campaign finance report filed by a campaign finance entity under  
5 subsection (a) of this section shall include the information required by the State Board  
6 with respect to all contributions received and all expenditures made by or on behalf of  
7 the campaign finance entity during the designated reporting period.

8 (c) A campaign finance report prescribed by this subtitle for the campaign  
9 finance entity of a candidate is required whether or not:

10 (1) the candidate files a certificate of candidacy;

11 (2) the candidate withdraws, declines a nomination, or otherwise  
12 ceases to be a candidate;

13 (3) the candidate's name appears on the primary ballot; or

14 (4) the candidate is successful in the election.

15 13-305.

16 (a) Instead of filing a report required under § 13-309 of this subtitle, a  
17 treasurer may file an affidavit stating that the campaign finance entity has not raised  
18 or spent a cumulative amount of \$1,000 or more, exclusive of the filing fee, and  
19 regardless of the balance of the campaign account, since:

20 (1) establishing the campaign finance entity; or

21 (2) filing the campaign finance entity's last campaign finance report.

22 (b) The affidavit shall be filed on or before the date a campaign finance  
23 report is due to be filed under § 13-309 of this subtitle **AND SUBJECT TO PENALTIES**  
24 **UNDER § 13-331 OF THIS SUBTITLE.**

25 13-309.

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

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

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

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

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

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

7           (2)    In addition to the campaign finance reports required under  
8 subsection (a) of this section, but subject to paragraph (4) of this subsection, a  
9 campaign finance entity shall file campaign finance reports on the third Wednesday in  
10 January.

11           (3)    (i)    If subsequent to the filing of its declaration under §  
12 13–208(c)(3) of this title, a campaign finance entity participates in an election in which  
13 it was not designated to participate, the campaign finance entity shall file all  
14 campaign reports prescribed under subsection (a) of this section for that election.

15                               **(II) THE CAMPAIGN FINANCE ENTITY SHALL NOTIFY THE**  
16 **STATE BOARD IN WRITING WITHIN 7 DAYS OF PARTICIPATING IN AN ELECTION**  
17 **NOT DESIGNATED TO PARTICIPATE.**

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

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

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

29 [13–316.

30           A campaign finance report required by § 13–304 of this subtitle shall be filed  
31 with the State Board.]

32 [13–317.

33           All campaign finance reports filed with a local board shall be filed in duplicate.]

1 13-321.

2 (a) (1) In accordance with paragraph (2) of this subsection, [each board]  
3 **THE STATE BOARD** shall notify each campaign finance entity that is required under  
4 this subtitle to file campaign finance reports [with that board of each campaign  
5 finance report required to be filed by that entity].

6 (2) The notice shall be provided by first class mail at least 10 but not  
7 more than 20 days before the filing date for each campaign finance report.

8 (b) The notice required under subsection (a) of this section shall include:

9 (1) the filing date;

10 (2) the telephone number, business hours, and location of [the board  
11 where the campaign finance report is to be filed] **THE STATE BOARD**; and

12 (3) the penalty for failure to file a timely campaign finance report.

13 13-322.

14 A campaign finance report is timely if:

15 (1) regardless of when it is received, the United States Postal Service  
16 has affixed a mark on the envelope or on a receipt verifying that the campaign finance  
17 report was mailed on or before the filing deadline; or

18 (2) it is received by the State Board [or the local board] with which it  
19 is required to be filed within 3 days after the filing deadline and a private postal meter  
20 postmark or a receipt by a private carrier verifies that the campaign finance report  
21 was mailed or delivered to the private carrier on or before the filing deadline.

22 13-323.

23 [A board] **THE STATE BOARD** shall provide a receipt for a campaign finance  
24 report that is hand-delivered.

25 13-327.

26 (a) A campaign finance entity that fails to file a campaign finance report **OR**  
27 **AFFIDAVIT** required by this subtitle is subject to the sanctions provided in Part VII of  
28 this subtitle.

29 (b) The failure to provide on a campaign finance report required by § 13-304  
30 of this subtitle all of the information required of the campaign finance entity by the  
31 State Board under this subtitle is deemed a failure to file and renders the campaign  
32 finance report overdue, only if:

1 (1) the State Board notifies the responsible officers in writing of the  
2 particular deficiencies; and

3 (2) the responsible officers fail to file a properly corrected campaign  
4 finance report within 30 days after service of the notice.

5 13-328.

6 (a) [(1)] Within 10 days after the deadline for the filing of any campaign  
7 finance report that is required to be filed with the State Board, the State Board shall  
8 compile a list of the campaign finance entities that failed to file the campaign finance  
9 report [and distribute the list, or a portion of the list, to such local boards as is  
10 required to implement this subtitle.

11 (2) Within 10 days after the deadline for the filing of any campaign  
12 finance report that is required to be filed with a local board, the local board shall  
13 compile a list of the campaign finance entities that failed to file the campaign finance  
14 report and transmit the list to the State Board] **OR AFFIDAVIT.**

15 (b) For the purposes of subsection (a) of this section, the failure to provide on  
16 a campaign finance report all of the information required of the campaign finance  
17 entity by the State Board under this subtitle is deemed a failure to file.

18 [(c) (1) This subsection applies only to a failure to file a campaign finance  
19 report as specified in § 13-327 of this subtitle.

20 (2) A local board promptly shall notify the State Board of any  
21 campaign finance report that is more than 30 days overdue to be filed with that local  
22 board.]

23 13-331.

24 (a) In accordance with subsection (b) of this section, [a board] **THE STATE**  
25 **BOARD** shall assess a late filing fee for a failure to file a campaign finance report **OR**  
26 **AFFIDAVIT**, as specified in § 13-327 of this subtitle.

27 (b) (1) The fee is \$10 for each day or part of a day, excluding Saturdays,  
28 Sundays, and holidays, that a campaign finance report is overdue.

29 (2) An additional fee of \$10 is due for each of the first 6 days,  
30 excluding Saturdays, Sundays, and holidays, that a preelection campaign finance  
31 report under § 13-309 of this subtitle is overdue.

32 (3) The maximum fee payable for any single campaign finance report  
33 is \$250.

1 (c) (1) [A board] **THE STATE BOARD** shall accept an overdue campaign  
2 finance report that is submitted without payment of the late filing fee, but the  
3 campaign finance report is not considered filed until the fee has been paid.

4 (2) After an overdue campaign finance report is received under  
5 paragraph (1) of this subsection no further late filing fee shall be incurred.

6 (d) A late filing fee is the joint and several liability of the responsible officers  
7 and:

8 (1) may not be paid, directly or indirectly, by the campaign finance  
9 entity; and

10 (2) is neither a contribution to nor an expenditure of the entity.

11 13-335.

12 (a) (1) If the State Board determines that there has been, for more than  
13 30 days, a failure to file a campaign finance report within the meaning of § 13-327 of  
14 this subtitle, the State Board shall issue the notice prescribed in paragraph (2) of this  
15 subsection to the responsible officers of the campaign finance entity in violation.

16 (2) The notice shall demand that, within 30 days after service of the  
17 notice, either:

18 (i) the failure to file be rectified and any late filing fee due be  
19 paid; or

20 (ii) the responsible officers show cause why the State Board  
21 should not ask the appropriate prosecuting authority to prosecute the responsible  
22 officers for a violation of this subtitle.

23 **(3) THE STATE BOARD MEETS ALL APPLICABLE NOTICE**  
24 **REQUIREMENTS OF THIS TITLE BY DELIVERING THE NOTICES TO THE ADDRESS**  
25 **PROVIDED BY THE RESPONSIBLE OFFICERS IN ACCORDANCE WITH § 13-207 OF**  
26 **THIS TITLE.**

27 [(3)] (4) In its discretion, the appropriate prosecuting authority may  
28 refer the matter for action to the Central Collection Unit within the Department of  
29 Budget and Management.

30 (b) A responsible officer who fails, without cause, to file the campaign finance  
31 report and pay the late fee within 30 days after service of the notice prescribed in  
32 subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject  
33 to the penalties prescribed in § 13-603 of this title.

34 13-602.

1           (a)   (1)   A person may not directly or indirectly give, offer, or promise  
2 money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable  
3 thing to another person for the purpose of inducing or procuring that person to vote or  
4 refrain from voting for or against:

5                           (i)    an individual, question, or measure at an election or political  
6 convention; or

7                           (ii)   the election of an officer by the General Assembly.

8           (2)   A person may not directly or indirectly receive, accept, request, or  
9 solicit money, aid, a gift, an advantage, a preferment, an emolument, or any other  
10 valuable thing from another person for the purpose of inducing or procuring a third  
11 person to vote or refrain from voting for or against an individual, question, or measure  
12 at an election or political convention.

13           (3)   A person may not vote or refrain from voting for or against an  
14 individual, question, or measure at an election or a political convention, in  
15 consideration of money, aid, a gift, an advantage, a preferment, an emolument, or any  
16 other valuable thing paid, received, accepted, or promised to the advantage of that  
17 person or of another person.

18           (4)   (i)    A person, to defray the costs of a campaign finance entity,  
19 may not directly or indirectly pay, give, or promise money or any other valuable thing  
20 to any person other than a campaign finance entity.

21                           (ii)   Subparagraph (i) of this paragraph does not apply to:

22                                   1.    dues regularly paid for membership in a political club  
23 if all of the money that is spent by that political club in connection with any campaign  
24 finance activity is paid through a treasurer as provided in this title;

25                                   2.    an individual volunteering the individual's time or  
26 personal vehicle in accordance with § 13-232 of this title;

27                                   3.    an employer's accumulation of employee contributions  
28 in accordance with § 13-242 of this title; or

29                                   4.    advertising costs or other expenses incident to the  
30 expression of personal views in accordance with § 13-102 of this title.

31           (5)   A person may not directly or indirectly pay or promise to pay a  
32 campaign finance entity in a name other than the person's name.

33           (6)   A responsible officer of a campaign finance entity may not  
34 knowingly receive a payment or promise of payment and enter it or cause it to be

1 entered in an account book in a name that the responsible officer knows is not the  
2 name of the person that made the payment or the promise to pay.

3 (7) An employer who pays employees in envelopes may not mark on or  
4 enclose in the envelopes a political motto, device, or argument that contains express or  
5 implied threats intended to influence the political opinions or actions of those  
6 employees.

7 (8) During the 90 days before an election, an employer may not exhibit  
8 in the employer's workplace:

9 (i) a threat, a notice, or information that, on the election or  
10 defeat of a particular ticket or candidate:

- 11 1. work will cease, wholly or partly;
- 12 2. the workplace will close; or
- 13 3. employees' wages will be reduced; or

14 (ii) any other threat, expressed or implied, intended to influence  
15 the political opinions or actions of the employer's employees.

16 (9) A person may not publish or distribute, or cause to be published or  
17 distributed, campaign material that violates § 13-401 of this title.

18 (10) A candidate may not make a payment, contribution, or  
19 expenditure, or incur a liability to pay, contribute, or expend, from the candidate's  
20 personal funds any money or valuable thing in a manner not authorized by § 13-230 of  
21 this title.

22 **(11) A CONTRIBUTION IS NOT ALLOWED IF IT IS INTENDED TO**  
23 **CONCEAL THE SOURCE OF THE FUNDS OR INTENDED RECIPIENT.**

24 ~~[(11)]~~ **(12)** An individual may not sign the name of any other individual  
25 on any form or other document under this title, without the authority of the individual  
26 whose name is signed.

27 (b) A person who violates this section is guilty of a misdemeanor and on  
28 conviction is:

29 (1) subject to a fine not exceeding \$1,000 or imprisonment not  
30 exceeding 1 year or both; and

31 (2) ineligible to hold any public or party office for 4 years after the  
32 date of the offense.



1           (c)   (1)   The State Prosecutor may prosecute, in any jurisdiction of the  
2 State, a person that the State Prosecutor believes to be guilty of a willful violation of  
3 this section.

4           (2)   A State's Attorney may prosecute a person that the State's  
5 Attorney believes to be guilty of a willful violation of this section in the county in  
6 which the State's Attorney serves.

7 13-605.

8           (a)   The [Secretary of State] **STATE BOARD** may seek an immediate  
9 injunction against any violation of this title.

10          (b)   A person who violates an injunction issued under this section:

11           (1)   is in criminal contempt; and

12           (2)   is guilty of a misdemeanor and on conviction is subject to a fine not  
13 exceeding \$250 or imprisonment not exceeding 30 days or both.

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