

HOUSE BILL 1440

G1

(0lr3390)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Barve**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Campaign Finance Entity – Officers Authorized to Perform**
3 **Duties of Treasurer**

4 FOR the purpose of repealing the office of subtreasurer of a campaign finance entity;
5 authorizing the chair of a campaign finance entity to make a disbursement for
6 the campaign finance entity *under certain circumstances*; requiring a chair who
7 makes a disbursement to submit a certain report to the treasurer of the
8 campaign finance entity within a certain number of days after the occurrence of
9 certain events; prohibiting a chair who is a candidate from making a
10 disbursement; and generally relating to officers of a campaign finance entity
11 who are authorized to perform the duties of the treasurer.

12 BY repealing

13 Article – Election Law

14 Section 13–211 and 13–219

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2003 Volume and 2009 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Election Law
5 Section 13–215 and 13–218
6 Annotated Code of Maryland
7 (2003 Volume and 2009 Supplement)

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

10 **Article – Election Law**

11 [13–211.

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

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

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

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

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

23 13–215.

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

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

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

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

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

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

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

8 (ii) With respect to any campaign finance entity other than the
9 candidate's own campaign finance entity, a candidate for delegate to the Democratic
10 National Convention or a candidate for delegate to the Republican National
11 Convention may act:

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

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

16 (c) Subject to subsection (b) of this section, the chairman, treasurer,
17 [subtreasurer,] or campaign manager of a campaign finance entity may serve as the
18 chairman, treasurer, [subtreasurer,] or campaign manager of another campaign
19 finance entity.

20 13–218.

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

22 (1) delivered to the treasurer; and

23 (2) maintained by the treasurer for the purposes of the campaign
24 finance entity.

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

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

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

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

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

5 (D) (1) ~~IN ACCORDANCE WITH THIS SUBSECTION~~ IF THE TREASURER
6 OF A CAMPAIGN FINANCE ENTITY IS TEMPORARILY UNABLE TO PERFORM THE
7 DUTIES OF THE OFFICE, THE CHAIRMAN OF ~~A~~ THE CAMPAIGN FINANCE ENTITY
8 MAY MAKE A DISBURSEMENT ON BEHALF OF THE CAMPAIGN FINANCE ENTITY IN
9 THE SAME MANNER AS THE TREASURER.

10 (2) ~~EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
11 ~~SUBSECTION, IF~~ IF THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS
12 SUBSECTION, WITHIN 7 DAYS AFTER MAKING THE DISBURSEMENT, THE
13 CHAIRMAN SHALL SUBMIT A REPORT TO THE TREASURER FOR THE ACCOUNT
14 BOOK OF THE CAMPAIGN FINANCE ENTITY, INCLUDING:

15 (I) A STATEMENT OF THE EXPENDITURE MADE UNDER THE
16 AUTHORITY OF THE CHAIRMAN;

17 (II) THE NAME AND ADDRESS OF THE PERSON TO WHOM THE
18 EXPENDITURE WAS MADE;

19 (III) THE PURPOSE FOR WHICH THE EXPENDITURE WAS
20 MADE; AND

21 (IV) A COPY OF THE RECEIPT FOR THE EXPENDITURE THAT
22 WAS MADE.

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

29 ~~(II) THE REPORT SHALL INCLUDE THE INFORMATION~~
30 ~~REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH~~
31 ~~EXPENDITURE MADE UNDER THE AUTHORITY OF THE CHAIRMAN DURING THE~~
32 ~~PERIOD THAT THE TREASURER WAS UNABLE TO PERFORM THE DUTIES OF THE~~
33 ~~OFFICE.~~

34 ~~(4)~~ A CHAIRMAN WHO IS A CANDIDATE MAY NOT MAKE A
35 DISBURSEMENT FOR A CAMPAIGN FINANCE ENTITY.

1 [13-219.

2 (a) A subtreasurer shall:

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 June 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.