

HOUSE BILL 321

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11r1593

By: **Delegates Frush and Hubbard**

Introduced and read first time: February 2, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics – Financial Disclosure – Fundraising for Nonprofit or Charitable**
3 **Organization**

4 FOR the purpose of requiring State financial disclosure statements filed by certain
5 persons to include a complete description of certain fundraising activity
6 performed by or on behalf of a nonprofit or charitable organization or
7 foundation; requiring that for each fundraising activity reported, the financial
8 disclosure statement include for the organization or foundation certain
9 information related to location, management, contributions, employment, and
10 expenditures; requiring administrative rules of the Maryland Court of Appeals
11 governing financial disclosure to include certain disclosure of certain
12 fundraising activity for a nonprofit or charitable organization or foundation; and
13 generally relating to financial disclosure of certain fundraising activity by a
14 nonprofit or charitable organization or foundation.

15 BY repealing and reenacting, without amendments,
16 Article – State Government
17 Section 15–601 and 15–607(a)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY adding to
21 Article – State Government
22 Section 15–607(j)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2010 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – State Government
27 Section 15–607(j) and (k) and 15–610
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2010 Supplement)

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

4 **Article – State Government**

5 15–601.

6 (a) Except as provided in subsections (b) and (c) of this section, and subject to
7 subsections (d) and (e) of this section, each official and candidate for office as a State
8 official shall file a statement as specified in §§ 15–602 through 15–608 of this subtitle.

9 (b) Financial disclosure by a judge of a court under Article IV, § 1 of the
10 Maryland Constitution, a candidate for elective office as a judge, or a judicial
11 appointee as defined in Maryland Rule 16–814 is governed by § 15–610 of this subtitle.

12 (c) The requirement to file a financial disclosure statement under subsection
13 (a) of this section does not apply to:

14 (1) a deputy sheriff and all other employees in the office of the sheriff
15 in a county; and

16 (2) a deputy or assistant State’s Attorney and all other employees in
17 the office of the State’s Attorney in a county.

18 (d) (1) An individual who is a public official only as a member of a board
19 and who receives annual compensation that is less than 25% of the lowest annual
20 compensation at State grade level 16 shall file the statement required by subsection
21 (a) of this section in accordance with § 15–609 of this subtitle.

22 (2) A member of the Harford County Liquor Control Board shall file
23 the statement required by subsection (a) of this section in accordance with § 15–609 of
24 this subtitle.

25 (e) A commissioner or an applicant for appointment as commissioner of a
26 bicounty commission shall file the statement required by subsection (a) of this section
27 in accordance with Subtitle 8, Part III of this title.

28 15–607.

29 (a) A statement that is required by § 15–601(a) of this subtitle shall contain
30 schedules disclosing the information and interests specified in this section, if known,
31 for the individual making the statement for the applicable period under this subtitle.

32 **(J) (1) THE STATEMENT SHALL INCLUDE A COMPLETE DESCRIPTION**
33 **OF:**

1 **(I) ANY FUNDRAISING ACTIVITY PERFORMED BY THE**
2 **INDIVIDUAL ON BEHALF OF A NONPROFIT OR CHARITABLE ORGANIZATION OR**
3 **FOUNDATION; AND**

4 **(II) ANY FUNDRAISING ACTIVITIES PERFORMED BY OR ON**
5 **BEHALF OF A NONPROFIT OR CHARITABLE ORGANIZATION OR FOUNDATION**
6 **ESTABLISHED OR OPERATED BY THE INDIVIDUAL.**

7 **(2) FOR EACH FUNDRAISING ACTIVITY REPORTED, THE**
8 **STATEMENT SHALL INCLUDE FOR THE ORGANIZATION OR FOUNDATION:**

9 **(I) THE NAME AND THE ADDRESS OF THE PRINCIPAL**
10 **OFFICE;**

11 **(II) THE NAME OF THE MEMBERS OF THE BOARD OF**
12 **DIRECTORS OR ANY SIMILAR MANAGEMENT ENTITY;**

13 **(III) A SCHEDULE OF CONTRIBUTORS AND THE AMOUNTS**
14 **EACH CONTRIBUTED DURING THE APPLICABLE PERIOD;**

15 **(IV) THE NAMES AND SALARIES OF ANY INDIVIDUALS**
16 **EMPLOYED DURING THE APPLICABLE PERIOD; AND**

17 **(V) A SCHEDULE OF ANY EXPENDITURES, GRANTS, OR**
18 **DONATIONS MADE DURING THE APPLICABLE PERIOD.**

19 **[(j)] (K)** The statement may include a schedule listing additional interests
20 or information that the individual chooses to disclose.

21 **[(k)] (L)** To the extent not reported under subsections (a) through **[(j)] (K)**
22 of this section, a statement filed by a member of the General Assembly shall include:

23 (1) the information required under § 15–513(b) of this title; and

24 (2) an acknowledgment, signed by the member, that any information,
25 required under § 15–513(b) of this title, that becomes reportable after the statement is
26 filed shall be reported immediately to the Joint Ethics Committee as required by §
27 15–513(b) of this title.

28 15–610.

29 (a) Pursuant to its administrative authority over the Judicial Branch under
30 the Maryland Constitution, the Court of Appeals is directed to adopt and administer
31 rules that require each individual specified in § 15–601(b) of this subtitle to file a

1 statement periodically that discloses, as a public record, the information concerning
2 the individual's financial affairs, **INCLUDING INFORMATION RELATED TO ANY**
3 **FUNDRAISING ACTIVITY FOR A NONPROFIT OR CHARITABLE ORGANIZATION OR**
4 **FOUNDATION UNDER STANDARDS THAT ARE SUBSTANTIALLY SIMILAR TO THE**
5 **STANDARDS UNDER § 15-607(J) OF THIS SUBTITLE**, that the court considers
6 necessary or appropriate to promote continued trust and confidence in the integrity of
7 the Judicial Branch.

8 (b) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
9 each candidate for nomination for or election to a judgeship shall file the statement
10 specified in subsection (a) of this section no later than the time the candidate files a
11 certificate of candidacy.

12 (ii) This paragraph does not require the filing of a statement for
13 any year covered in full by a statement filed by the individual under subsection (a) of
14 this section.

15 (2) The statement shall:

16 (i) cover the calendar year immediately preceding the year in
17 which the certificate of candidacy is filed; and

18 (ii) be filed with the election board with which the certificate of
19 candidacy is filed.

20 (3) An election board may not accept a certificate of candidacy or
21 certificate of nomination of a candidate covered by this subsection unless the
22 candidate has filed any statement required by this section.

23 (4) An election board, within 30 days after receiving a statement
24 under this subsection, shall forward the statement to the entity designated by the
25 Court of Appeals to receive the statements filed under subsection (a) of this section.

26 (c) Within 30 days after receiving a statement under this section, the Court
27 of Appeals or its designee shall transmit a copy of the statement to the Ethics
28 Commission.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2011.