

SENATE BILL 1039

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CF HB 1499

By: **The President (By Request – Commission to Study Campaign Finance Law) and Senators Ferguson and Benson**

Introduced and read first time: March 1, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2013

CHAPTER _____

1 AN ACT concerning

2 **Campaign Finance Reform Act of 2013**

3 FOR the purpose of altering certain definitions; authorizing the State Board of
4 Elections to audit certain account books, records, and statements; requiring an
5 individual to establish an authorized candidate campaign committee before
6 filing a declaration of intent; prohibiting a political committee from receiving or
7 disbursing money if there is a vacancy in certain offices of the committee;
8 ~~prohibiting a candidate from remaining a member of a slate or joining a slate~~
9 providing that a candidate may join a slate or continue as a member of a slate
10 only under certain circumstances; authorizing the establishment of legislative
11 party caucus committees; providing that the State Board satisfies certain notice
12 requirements by sending notices to certain addresses; authorizing a central
13 committee of a political party or legislative party caucus committee to establish
14 an administrative account; establishing requirements for the functioning of
15 administrative accounts; altering the circumstances under which a campaign
16 contribution receipt must be issued; altering certain limits on the aggregate
17 amount of contributions a person may make in an election cycle; requiring that
18 certain contribution limits and certain transfer limits be adjusted in a certain
19 manner at certain times; providing that contributions by two or more business
20 entities be considered as being made by one contributor under certain
21 circumstances; providing that certain limits on transfers between campaign
22 finance entities do not apply to certain campaign finance entities; establishing a
23 limit on the amount of transfers a slate may make in an election cycle to the

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 authorized candidate campaign committees of its members; establishing a limit
2 on the amount of transfers a legislative party caucus committee may make in an
3 election cycle to the authorized candidate campaign committee of a candidate
4 the legislative party caucus committee seeks to elect; requiring certain political
5 action committees to include certain information on the face of a check
6 transferring funds to another campaign finance entity; authorizing certain
7 officials to deposit a contribution during a session of the General Assembly
8 under certain circumstances; repealing a certain provision relating to
9 expenditures made by a campaign finance entity located outside the State;
10 requiring an out-of-state political committee to register and file reports with
11 the State Board that include certain information at certain times and in a
12 certain manner; altering certain requirements for contributions received from
13 the sale of a raffle ticket, spin, or chance at a campaign fundraising event;
14 prohibiting an authorized candidate campaign committee from reporting more
15 than a certain amount of certain contributions in an election cycle on its
16 campaign finance reports without providing certain information about each
17 contribution; authorizing a political committee to report certain contributions
18 collected in a certain manner on its campaign finance reports without providing
19 certain information about each contribution under certain circumstances;
20 repealing certain provisions relating to the filing of campaign finance reports or
21 affidavits by authorized candidate campaign committees of candidates for
22 election to the central committee of a political party; altering certain definitions
23 in the law governing disclosure of independent expenditures and electioneering
24 communications; requiring a person who makes a certain amount of
25 independent expenditures or electioneering communications to register and file
26 certain reports with the State Board within a certain time; requiring an
27 independent expenditure or electioneering communication report to identify
28 persons who made donations of a certain amount to the person making the
29 independent expenditure or electioneering communication; requiring a person to
30 file an amended independent expenditure or electioneering communication
31 report under certain circumstances; authorizing the State Board to assess
32 certain civil penalties for failure to file properly an independent expenditure or
33 electioneering communication report; requiring a campaign finance entity to file
34 a campaign finance report on a certain date immediately preceding a general
35 election; providing that the authorized candidate campaign committee of a
36 candidate for election to the central committee of a political party is required to
37 file certain campaign finance reports and is not required to file any other
38 campaign finance reports; requiring a political committee that makes only
39 independent expenditures or electioneering communications to file campaign
40 finance reports at certain times and subject to certain sanctions; requiring a
41 campaign finance entity to file an amended campaign finance report under
42 certain circumstances; providing for certain fees and other sanctions for late
43 filing of an amended campaign finance report; altering certain fees for late filing
44 of a campaign finance report; requiring that a late filing fee be paid by a
45 campaign finance entity except under certain circumstances; authorizing the
46 governing body of a county to establish a system of public campaign financing
47 for elective offices in the executive or legislative branches of county government;

1 specifying certain requirements for a county system of public campaign
 2 financing; authorizing the State Board to assess a civil penalty for certain
 3 violations of campaign finance law; providing for the maximum amount of a civil
 4 penalty and requirements for issuing, paying, and contesting a civil penalty;
 5 authorizing a person who is assessed a civil penalty to elect to stand trial for the
 6 violation in District Court; requiring the State Prosecutor to assume
 7 responsibility for prosecuting a violation in District Court; providing for the
 8 procedures to be followed in the District Court; providing that a civil penalty is
 9 not a criminal conviction; altering certain definitions in the law governing
 10 disclosure of contributions by persons doing public business; altering certain
 11 requirements relating to certain statements of contributions by persons doing
 12 public business; transferring responsibility for waiving certain disclosure
 13 requirements applicable to persons doing public business from the Attorney
 14 General to the State Board; requiring a person doing public business to
 15 maintain certain records for a certain period of time; requiring a governmental
 16 entity to ~~verify that~~ require a person doing public business with the
 17 governmental entity to certify that the person has filed a certain statement of
 18 contributions before allowing the person to begin performance of a contract
 19 under certain circumstances; providing a certain exception; requiring a
 20 governmental entity to notify the State Board of persons doing public business
 21 with the governmental entity who are required to file a certain statement of
 22 contributions within a certain period of time; requiring certain participating
 23 organizations, as defined, making certain contributions or donations or certain
 24 disbursements to register with the State Board and file a certain report under
 25 certain circumstances; altering the deadline date for certain candidates to file a
 26 certificate of candidacy; altering the date by which the State Board shall certify
 27 the content and arrangement of a certain ballot; requiring a person doing public
 28 business to file an amended statement of contributions under certain
 29 circumstances; authorizing the State Board to impose certain fees for late filing
 30 of a statement of contributions by a person doing public business in a certain
 31 manner; authorizing the State Board to adopt regulations implementing the law
 32 governing disclosure of contributions by persons doing public business;
 33 extending the statute of limitations for a misdemeanor constituting a criminal
 34 offense under the State election laws; providing for the application of the
 35 extension of the statute of limitations under this Act; making technical and
 36 clarifying corrections; making conforming changes; defining certain terms;
 37 making the provisions of this Act severable; providing for a delayed effective
 38 date for certain provisions of this Act; and generally relating to campaign
 39 finance.

40 BY repealing and reenacting, with amendments,

41 Article – Election Law

42 Section 1–101(o), (ff), and (gg), 2–102, ~~5–303~~, ~~9–207(a)~~, 13–202, 13–207, 13–209,
 43 13–214, 13–222, 13–226, 13–227, 13–228, 13–234, 13–235, 13–240,
 44 13–304, 13–305, 13–306, 13–307, 13–309, 13–327, 13–331, 13–340,
 45 14–101, 14–104, 14–105, and 14–107

46 Annotated Code of Maryland

1 (2010 Replacement Volume and 2012 Supplement)

2 BY adding to

3 Article – Election Law

4 Section 1–101(bb–1), 13–208.1, 13–220.1, 13–301, 13–309.1, 13–309.2, 13–505,
5 13–604.1, and 14–109

6 Annotated Code of Maryland

7 (2010 Replacement Volume and 2012 Supplement)

8 BY repealing

9 Article – Election Law

10 Section 13–301

11 Annotated Code of Maryland

12 (2010 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Election Law

15 Section 14–102, 14–103, 14–106, and 14–108

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Courts and Judicial Proceedings

20 Section 5–106(f) and (h)

21 Annotated Code of Maryland

22 (2006 Replacement Volume and 2012 Supplement)

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

25 **Article – Election Law**

26 1–101.

27 (o) (1) “Contribution” means the gift or transfer, or promise of gift or
28 transfer, of money or other thing of value to a campaign finance entity to promote or
29 assist in the promotion of the success or defeat of a candidate, political party, or
30 question.

31 (2) “Contribution” includes:

32 (I) proceeds from the sale of tickets to a campaign fund–raising
33 event; **AND**

34 (II) **A DISBURSEMENT OR DEPOSIT OF MONEY OR A GIFT, A**
35 **SUBSCRIPTION, ~~A LOAN,~~ AN ADVANCE, OR ANYTHING OF VALUE THAT IS MADE**

1 BY A PERSON IN COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF,
2 A CANDIDATE OR A CAMPAIGN FINANCE ENTITY OF A CANDIDATE.

3 ~~(BB-1) "LEGISLATIVE PARTY CAUCUS COMMITTEE" MEANS A~~
4 ~~POLITICAL COMMITTEE THAT IS ESTABLISHED TO PROMOTE THE ELECTION OF~~
5 ~~CANDIDATES OF A SINGLE POLITICAL PARTY TO ONE OF THE TWO HOUSES OF~~
6 ~~THE GENERAL ASSEMBLY.~~

7 (ff) ~~"Political action committee" means a political committee that is not:~~

8 ~~(1) a political party;~~

9 ~~(2) a central committee;~~

10 ~~(3) a slate;~~

11 ~~(4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;~~

12 ~~[(4)] (5) a political committee organized and operated solely to~~
13 ~~support or oppose a single candidate; or~~

14 ~~[(5)] (6) a political committee organized and operated solely to~~
15 ~~support or oppose a ballot issue.~~

16 (gg) "Political committee" means a combination of two or more individuals
17 that [assists or attempts] **HAS AS ITS MAJOR PURPOSE ASSISTING OR**
18 ~~ATTEMPTING to assist in~~ promoting the success or defeat of a candidate, political
19 party, or question submitted to a vote at any election.

20 2-102.

21 (a) The State Board shall manage and supervise elections in the State and
22 ensure compliance with the requirements of this article and any applicable federal law
23 by all persons involved in the elections process.

24 (b) In exercising its authority under this article and in order to ensure
25 compliance with this article and with any requirements of federal law, the State Board
26 shall:

27 (1) supervise the conduct of elections in the State;

28 (2) direct, support, monitor, and evaluate the activities of each local
29 board;

30 (3) have a staff sufficient to perform its functions;

1 (4) adopt regulations to implement its powers and duties;

2 (5) receive, [and] **OR** in its discretion audit, campaign finance reports,
3 **ACCOUNT BOOKS AND RECORDS KEPT UNDER § 13–221 OF THIS ARTICLE,**
4 independent expenditure reports filed **AND RECORDS KEPT** under § 13–306 of this
5 article, [and] electioneering communication reports filed **AND RECORDS KEPT** under
6 § 13–307 of this article, **AND STATEMENTS FILED AND RECORDS KEPT UNDER §**
7 **14–105 OF THIS ARTICLE;**

8 (6) appoint a State Administrator in accordance with § 2–103 of this
9 subtitle;

10 (7) maximize the use of technology in election administration,
11 including the development of a plan for a comprehensive computerized elections
12 management system;

13 (8) canvass and certify the results of elections as prescribed by law;

14 (9) make available to the general public, in a timely and efficient
15 manner, information on the electoral process, including a publication that includes the
16 text of this article, relevant portions of the Maryland Constitution, and information
17 gathered and maintained regarding elections;

18 (10) subject to § 2–106 of this subtitle and § 13–341 of this article,
19 receive, maintain, and serve as a depository for elections documents, materials,
20 records, statistics, reports, certificates, proclamations, and other information
21 prescribed by law or regulation;

22 (11) prescribe all forms required under this article; and

23 (12) serve as the official designated office in accordance with the
24 Uniformed and Overseas Citizens Absentee Voting Act for providing information
25 regarding voter registration and absentee ballot procedures for absent uniformed
26 services voters and overseas voters with respect to elections for federal office.

27 (c) The powers and duties assigned to the State Board under this article
28 shall be exercised in accordance with an affirmative vote by a supermajority of the
29 members of the State Board.

30 ~~13–202.~~

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

1 ~~(b) An individual may not file a certificate of candidacy OR A DECLARATION~~
2 ~~OF INTENT UNDER § 5-703 OR § 5-703.1 OF THIS ARTICLE until the individual~~
3 ~~establishes, or causes to be established, an authorized [political] CANDIDATE~~
4 ~~CAMPAIGN committee.~~

5 13-207.

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

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

10 (c) To establish a political committee:

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

13 (i) the residence addresses of the chairman and the treasurer;

14 (ii) if the chairman and treasurer affirmatively consent to
15 receiving notice under this title only by electronic mail, the electronic mail address of
16 the chairman and the treasurer; and

17 (iii) the information required by § 13-208 of this subtitle; and

18 (2) the form shall be filed with the [board where the political
19 committee is required to file campaign finance reports] **STATE BOARD**.

20 (3) The chairman or treasurer of a political committee shall notify the
21 State Board of a change in the residence address of the chairman or treasurer no later
22 than 21 days before the day on which the political committee's next campaign finance
23 report is due under § 13-309 of this title.

24 (4) The chairman or treasurer of a political committee shall notify the
25 State Board of a change in the electronic mail address of the chairman or treasurer by
26 the date specified in paragraph (3) of this subsection if the chairman and treasurer of
27 the political committee have affirmatively consented to receiving notice under this title
28 only by electronic mail.

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

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

4 (3) A POLITICAL COMMITTEE MAY NOT RECEIVE OR DISBURSE
 5 MONEY OR ANY OTHER THING OF VALUE IF THERE IS A VACANCY IN THE OFFICE
 6 OF CHAIRMAN OR THE OFFICE OF TREASURER.

7 ~~13-208.1.~~

8 ~~(A) EACH POLITICAL PARTY MAY ESTABLISH ONE LEGISLATIVE PARTY~~
 9 ~~CAUCUS COMMITTEE FOR EACH HOUSE OF THE GENERAL ASSEMBLY.~~

10 ~~(B) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING THE~~
 11 ~~ESTABLISHMENT, STRUCTURE, AND OPERATION OF LEGISLATIVE PARTY~~
 12 ~~CAUCUS COMMITTEES.~~

13 13-209.

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

16 (b) After establishing a campaign finance entity in accordance with §
 17 13-202(b) of this subtitle, a candidate may join a slate.

18 (c) (1) To join a slate, a candidate shall file a written notice with the State
 19 Board.

20 (2) The notice shall specify:

21 (i) the name of the slate that the candidate has joined; and

22 (ii) the date on which the candidate joined the slate.

23 ~~(D) A CANDIDATE MAY NOT REMAIN A MEMBER OF A SLATE OR JOIN A~~
 24 ~~SLATE IF THE CANDIDATE:~~

25 ~~(1) HAS NOT FILED A CERTIFICATE OF CANDIDACY; AND~~

26 ~~(2) IS NOT AN INCUMBENT OFFICEHOLDER.~~

27 (D) A CANDIDATE MAY JOIN A SLATE OR CONTINUE AS A MEMBER OF A
 28 SLATE ONLY IF:

1 **(1) THE CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY;**
 2 **OR**

3 **(2) (I) THE CANDIDATE IS AN INCUMBENT OFFICEHOLDER;**
 4 **AND**

5 **(II) THE DEADLINE FOR FILING A CERTIFICATE OF**
 6 **CANDIDACY FOR THE OFFICE THE CANDIDATE HOLDS HAS NOT PASSED.**

7 13-214.

8 (a) The responsible officers of a campaign finance entity are jointly and
 9 severally responsible for:

10 **(1) filing all campaign finance reports in full and accurate detail; and**
 11 **[for]**

12 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, all other**
 13 **actions of the entity.**

14 (b) Notice shall be provided to a campaign finance entity by serving the
 15 responsible officers.

16 **(C) THE STATE BOARD SATISFIES ALL NOTICE REQUIREMENTS UNDER**
 17 **THIS TITLE BY SENDING NOTICES TO THE ADDRESSES PROVIDED BY THE**
 18 **RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY UNDER § 13-207(C)**
 19 **OF THIS SUBTITLE.**

20 ~~**13-220.1.**~~

21 ~~**(A) EACH CENTRAL COMMITTEE OF A POLITICAL PARTY OR**~~
 22 ~~**LEGISLATIVE PARTY CAUCUS COMMITTEE MAY ESTABLISH ONE**~~
 23 ~~**ADMINISTRATIVE ACCOUNT.**~~

24 ~~**(B) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT MAY BE**~~
 25 ~~**MADE ONLY FOR NONELECTORAL PURPOSES.**~~

26 ~~**(C) A DONATION TO AN ADMINISTRATIVE ACCOUNT:**~~

27 ~~**(1) MAY BE MADE ONLY IF THE DONOR IS AWARE THAT THE**~~
 28 ~~**DONATION WILL BE USED FOR ADMINISTRATIVE PURPOSES AND CONSENTS TO**~~
 29 ~~**THAT USE BEFORE MAKING THE DONATION; AND**~~

30 ~~**(2) IS NOT SUBJECT TO § 13-226(B) OF THIS SUBTITLE.**~~

1 ~~(D) A CAMPAIGN FINANCE ENTITY MAY NOT MAKE A TRANSFER TO AN~~
 2 ~~ADMINISTRATIVE ACCOUNT.~~

3 ~~(E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:~~

4 ~~(1) DEFINE PERMISSIBLE NONELECTORAL DISBURSEMENTS~~
 5 ~~FROM AN ADMINISTRATIVE ACCOUNT; AND~~

6 ~~(2) REQUIRE DISCLOSURE OF:~~

7 ~~(I) DONATIONS TO AN ADMINISTRATIVE ACCOUNT; AND~~

8 ~~(II) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT.~~

9 13-222.

10 (a) (1) By the next deadline for filing a campaign finance report after
 11 receiving a contribution specified in paragraph (2) of this subsection, a treasurer shall
 12 issue a campaign contribution receipt on the form that the State Board prescribes.

13 (2) A campaign contribution receipt shall be mailed or delivered to
 14 each person who[:

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

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

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

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

20 (3) At the request of a contributor, a treasurer shall issue a campaign
 21 contribution receipt for any other contribution.

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

24 (b) The information from a campaign contribution receipt shall be included
 25 in the campaign finance report filed by the treasurer under this title.

26 13-226.

27 (a) The limits on contributions in this section do not apply to:

28 (1) a contribution to a ballot issue committee; or

1 (2) those contributions defined as transfers.

2 (b) Subject to [subsection] SUBSECTIONS (c) AND (D) of this section, a
3 person may not, either directly or indirectly, in an election cycle make aggregate
4 contributions in excess of:

5 (1) [\$4,000] **\$6,000** to any one campaign finance entity; or

6 (2) [\$10,000] **\$24,000** to all campaign finance entities.

7 (c) (1) Notwithstanding subsection (b) of this section, a central committee
8 of a political party OR LEGISLATIVE PARTY CAUCUS COMMITTEE may make
9 aggregate in-kind contributions TO A SINGLE CANDIDATE during an election cycle
10 that are not in excess of:

11 (i) for a State central committee OR LEGISLATIVE PARTY
12 CAUCUS COMMITTEE, \$1 for every two registered voters in the State; and

13 (ii) for a local central committee, \$1 for every two registered
14 voters in the county.

15 (2) For the purposes of paragraph (1) of this subsection, the number of
16 registered voters is determined, regardless of party affiliation, as of the first day of the
17 election cycle.

18 ~~(D) (1) BEGINNING WITH THE ELECTION CYCLE THAT BEGINS ON~~
19 ~~JANUARY 1, 2019, AND AT THE BEGINNING OF EACH ELECTION CYCLE~~
20 ~~THEREAFTER, THE CONTRIBUTION LIMITS UNDER SUBSECTION (B) OF THIS~~
21 ~~SECTION AND THE TRANSFER LIMITS UNDER § 13-227(C) OF THIS SUBTITLE~~
22 ~~SHALL BE ADJUSTED IN ACCORDANCE WITH THIS SUBSECTION.~~

23 ~~(2) ON OR BEFORE THE DECEMBER 20 IMMEDIATELY PRECEDING~~
24 ~~THE END OF AN ELECTION CYCLE, THE STATE BOARD SHALL DETERMINE AND~~
25 ~~ANNOUNCE THE CONTRIBUTION LIMITS AND TRANSFER LIMITS EFFECTIVE FOR~~
26 ~~THE NEXT ELECTION CYCLE.~~

27 ~~(3) SUBJECT TO PARAGRAPHS (5) AND (6) OF THIS SUBSECTION,~~
28 ~~THE CONTRIBUTION LIMIT IN SUBSECTION (B)(1) OF THIS SECTION AND THE~~
29 ~~TRANSFER LIMIT UNDER § 13-227(C)(1) OF THIS SUBTITLE SHALL BE~~
30 ~~INCREASED BY THE AMOUNT THAT EQUALS THE PRODUCT OF MULTIPLYING:~~

31 ~~(i) THE CONTRIBUTION LIMIT OR TRANSFER LIMIT IN~~
32 ~~EFFECT FOR THE CURRENT ELECTION CYCLE; AND~~

1 ~~(H) THE PERCENTAGE GROWTH IN THE CONSUMER PRICE~~
 2 ~~INDEX AS DETERMINED BY THE STATE BOARD UNDER PARAGRAPH (4) OF THIS~~
 3 ~~SUBSECTION.~~

4 ~~(4) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX"~~
 5 ~~MEANS THE INDEX PUBLISHED MONTHLY BY THE BUREAU OF LABOR~~
 6 ~~STATISTICS OF THE U.S. DEPARTMENT OF LABOR THAT IS A WEIGHTED~~
 7 ~~AVERAGE OF A BASKET OF CONSUMER GOODS AND SERVICES.~~

8 ~~(H) THE PERCENTAGE GROWTH IN THE CONSUMER PRICE~~
 9 ~~INDEX SHALL BE DETERMINED BY COMPARING THE AVERAGE OF THE INDEX~~
 10 ~~FOR THE CURRENT YEAR THROUGH NOVEMBER 30 AND THE PRECEDING 3~~
 11 ~~YEARS TO THE AVERAGE OF THE INDEX FOR THE PRIOR 4 YEARS.~~

12 ~~(5) THE AMOUNT RESULTING FROM THE CALCULATION UNDER~~
 13 ~~PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ROUNDED TO THE NEAREST~~
 14 ~~MULTIPLE OF \$500.~~

15 ~~(6) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER~~
 16 ~~PRICE INDEX, THE CONTRIBUTION LIMITS AND TRANSFER LIMITS FOR THE~~
 17 ~~NEXT ELECTION CYCLE SHALL REMAIN UNCHANGED FROM THOSE IN EFFECT~~
 18 ~~FOR THE CURRENT ELECTION CYCLE.~~

19 ~~(7) THE CONTRIBUTION LIMIT UNDER SUBSECTION (B)(2) OF~~
 20 ~~THIS SECTION AND THE TRANSFER LIMIT UNDER § 13-227(C)(2) OF THIS~~
 21 ~~SUBTITLE SHALL BE ADJUSTED AT THE BEGINNING OF EACH ELECTION CYCLE~~
 22 ~~TO AN AMOUNT EQUAL TO 4 TIMES THE AMOUNT RESULTING FROM THE~~
 23 ~~CALCULATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

24 ~~[(d)] (E)~~ The limit on contributions to the campaign finance entity of a
 25 candidate applies regardless of the number of offices sought by the candidate or
 26 campaign finance entities formed to support the candidate.

27 ~~(F)~~ (E) (1) IN THIS SUBSECTION, "BUSINESS ENTITY" INCLUDES A
 28 CORPORATION, A SOLE PROPRIETORSHIP, A GENERAL PARTNERSHIP, A LIMITED
 29 PARTNERSHIP, A LIMITED LIABILITY COMPANY, A REAL ESTATE INVESTMENT
 30 TRUST, ~~AND ANY OTHER BUSINESS OR OTHER ENTITY.~~

31 [(e)] (2) Contributions by [a corporation and any wholly owned subsidiary
 32 of the corporation, or by two or more corporations owned by the same stockholders,]
 33 TWO OR MORE BUSINESS ENTITIES shall be considered as being made by one
 34 contributor IF:

1 (I) ONE BUSINESS ENTITY IS A WHOLLY OWNED SUBSIDIARY
2 OF ANOTHER; OR

3 (II) THE BUSINESS ENTITIES ARE OWNED OR CONTROLLED
4 BY AT LEAST 80% OF THE SAME INDIVIDUALS OR BUSINESS ENTITIES.

5 13-227.

6 (a) In this section, a “campaign finance entity” includes a nonfederal
7 out-of-state political committee.

8 (b) The [limit] LIMITS on transfers set forth in subsection (c) of this section
9 [does] DO not apply to a transfer:

10 (1) by a campaign finance entity to a ballot issue committee; ~~and~~

11 ~~(2)~~ **(2) BY THE AUTHORIZED CANDIDATE CAMPAIGN**
12 **COMMITTEE OF A MEMBER OF A SLATE TO A SLATE OF WHICH THE CANDIDATE**
13 **IS A MEMBER;**

14 **(3) BY THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF**
15 **THE CANDIDATES THAT A LEGISLATIVE PARTY CAUCUS COMMITTEE SEEKS TO**
16 **ELECT TO THE LEGISLATIVE PARTY CAUCUS COMMITTEE; AND**

17 **(4)** between or among:

18 (i) political committees that are State or local central
19 committees of the same political party;

20 (ii) a slate and the [campaign finance entities of its members]
21 **AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF ITS MEMBERS, IF THE**
22 **ONLY MEMBERS OF THE SLATE ARE A CANDIDATE FOR GOVERNOR AND A**
23 **CANDIDATE FOR LIEUTENANT GOVERNOR WHO ARE RUNNING ON THE SAME**
24 **TICKET; ~~and~~**

25 ~~(III) A LEGISLATIVE PARTY CAUCUS COMMITTEE AND THE~~
26 ~~AUTHORIZED CANDIDATE CAMPAIGN COMMITTEES OF THE CANDIDATES THE~~
27 ~~LEGISLATIVE PARTY CAUCUS COMMITTEE SEEKS TO ELECT; AND~~

28 ~~[(iii)] (IV) the campaign finance entities of a candidate.~~

29 **(III) THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE**
30 **OF A CANDIDATE.**

1 (c) (1) [During] SUBJECT TO § 13-226(D) OF THIS SUBTITLE AND
 2 ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, DURING an
 3 election cycle, a campaign finance entity may not directly or indirectly make transfers
 4 in a cumulative amount of more than \$6,000 to any one other campaign finance entity.

5 (2) DURING AN ELECTION CYCLE, A SLATE MAY NOT MAKE
 6 TRANSFERS DIRECTLY OR INDIRECTLY TO ~~ONE OR MORE~~ THE AUTHORIZED
 7 CANDIDATE CAMPAIGN ~~COMMITTEES~~ COMMITTEE OF ANY SINGLE MEMBER OF
 8 THE SLATE IN A CUMULATIVE AMOUNT OF MORE THAN \$24,000.

9 (3) DURING AN ELECTION CYCLE, A LEGISLATIVE PARTY CAUCUS
 10 COMMITTEE MAY NOT MAKE TRANSFERS DIRECTLY TO THE AUTHORIZED
 11 CANDIDATE CAMPAIGN COMMITTEE OF A CANDIDATE THAT THE LEGISLATIVE
 12 PARTY CAUCUS COMMITTEE SEEKS TO ELECT IN A CUMULATIVE AMOUNT OF
 13 MORE THAN \$24,000.

14 (d) (1) All affiliated campaign finance entities are treated as a single
 15 entity in determining:

16 (i) the amount of transfers made by a campaign finance entity;
 17 and

18 (ii) the amount of transfers received by a campaign finance
 19 entity.

20 (2) Campaign finance entities are deemed to be affiliated if they:

21 (i) are organized and operated in coordination and cooperation
 22 with each other; or

23 (ii) otherwise conduct their operations and make their decisions
 24 relating to transfers and other contributions under the control of the same individual
 25 or entity.

26 (e) The limit on transfers to the campaign finance entities of a candidate
 27 prescribed in subsection (c) of this section applies regardless of the number of offices
 28 sought by the candidate.

29 13-228.

30 A political action committee that makes a transfer to the campaign finance
 31 entity of a candidate or to a slate shall:

32 (1) display its official name, as filed with the State Board under this
 33 subtitle, in a prominent place on the face of the check by which the funds are
 34 transferred; and

1 (2) include in a prominent place on the face of the check:

2 (I) the words “political action committee” or the notation “PAC”,
3 to indicate that the transferor is a political action committee; **OR**

4 (II) **IF THE POLITICAL ACTION COMMITTEE IS ORGANIZED**
5 **UNDER MARYLAND LAW, THE WORDS “MARYLAND REGISTERED POLITICAL**
6 **ACTION COMMITTEE” OR THE NOTATION “MD REGISTERED PAC” TO INDICATE**
7 **THAT THE TRANSFEROR IS A MARYLAND POLITICAL ACTION COMMITTEE.**

8 ~~13-234.~~

9 (a) ~~A contribution of money may be made only by:~~

10 (1) ~~check;~~

11 (2) ~~credit card;~~

12 (3) ~~cash, if the contribution does not exceed \$100 IN AN ELECTION~~
13 ~~CYCLE; or~~

14 (4) ~~an electronic method that the State Board authorizes by~~
15 ~~regulation.~~

16 (b) ~~An electronic method of making a contribution that the State Board~~
17 ~~authorizes under this section shall ensure that:~~

18 (1) ~~the identity of the person making the contribution may be verified;~~

19 (2) ~~the transaction is secure; and~~

20 (3) ~~there is an adequate record of the transaction.~~

21 ~~13-235.~~

22 (a) ~~This section applies to the following officials:~~

23 (1) ~~the Governor;~~

24 (2) ~~the Lieutenant Governor;~~

25 (3) ~~the Attorney General;~~

26 (4) ~~the Comptroller; and~~

1 ~~(5) a member of the General Assembly.~~

2 ~~(b) Except as provided in subsection (c) [or], (d) OR (E) of this section, during~~
3 ~~a regular session of the General Assembly an official described in subsection (a) of this~~
4 ~~section, or a person acting on behalf of the official, may not, as to a candidate for~~
5 ~~federal, State, or local office, or a campaign finance entity of the candidate or any~~
6 ~~other campaign finance entity organized under this title and operated in coordination~~
7 ~~with a candidate:~~

8 ~~(1) receive a contribution;~~

9 ~~(2) conduct a fund-raising event;~~

10 ~~(3) solicit or sell a ticket to a fund-raising event; or~~

11 ~~(4) deposit or use any contribution of money that was not deposited~~
12 ~~prior to the session.~~

13 ~~(c) An official described in subsection (a) of this section, or a person acting on~~
14 ~~behalf of the official, is not subject to this section when engaged in activities solely~~
15 ~~related to the official's election to an elective federal or local office for which the official~~
16 ~~is a filed candidate.~~

17 ~~(d) Under the Public Financing Act, a gubernatorial ticket, during the year of~~
18 ~~the election only, may accept eligible private contributions and any disbursement of~~
19 ~~funds by the State Board that is based on the eligible private contributions.~~

20 ~~(E) AN OFFICIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, OR~~
21 ~~A PERSON ACTING ON BEHALF OF THE OFFICIAL, MAY DEPOSIT A~~
22 ~~CONTRIBUTION DURING THE LEGISLATIVE SESSION IF THE CONTRIBUTION WAS~~
23 ~~MADE ELECTRONICALLY BEFORE THE START OF THE SESSION.~~

24 ~~[(e)] (F) (1) As to a violation of this section, the campaign finance entity~~
25 ~~of the official in violation is liable for a civil penalty as provided in this subsection.~~

26 ~~(2) The State Board, represented by the State Prosecutor, may~~
27 ~~institute a civil action in the circuit court for any county seeking the civil penalty~~
28 ~~provided in this subsection.~~

29 ~~(3) A campaign finance entity that receives a contribution as a result~~
30 ~~of the violation shall:~~

31 ~~(i) refund the contribution to the contributor; and~~

32 ~~(ii) pay a civil penalty that equals the sum of \$1,000 plus the~~
33 ~~amount of the contribution.~~

1 13-240.

2 (a) This section applies to a spin or chance on a paddle wheel or wheel of
3 fortune OR A RAFFLE that is authorized under the laws of this State to operate at a
4 campaign fund-raising event.

5 (b) [Notwithstanding] **EXCEPT AS PROVIDED IN § 13-304(C) OF THIS**
6 **TITLE, BUT NOTWITHSTANDING § 13-239** of this subtitle or any other law that
7 prohibits an anonymous contribution, a political committee may accept ~~money~~
8 CONTRIBUTIONS received from the sale of a spin or chance OR A RAFFLE TICKET,
9 and need not identify the individual ~~purchaser in its account book~~ CONTRIBUTOR ON
10 ITS CAMPAIGN FINANCE REPORTS, if:

11 (1) the account book of the political committee includes:

12 (i) the net amount received by the political committee FROM
13 THE RAFFLE, SPIN, OR CHANCE at the FUNDRAISING event at which the sale was
14 made; and

15 (ii) the name and address of each ~~individual~~ PERSON who
16 attended the event;

17 (2) no spin or chance is sold at the event for more than \$2;

18 (3) the net income of the sponsoring political committee from spins
19 and chances at the event does not exceed \$1,500 in a 24-hour period; ~~and~~

20 (4) the total receipts of the sponsoring political committee from spins
21 and chances in that election do not exceed \$2,500;

22 **(5) A RAFFLE IS CONDUCTED IN ACCORDANCE WITH § 12-106(B)**
23 **OF THE CRIMINAL LAW ARTICLE; AND**

24 **(6) THE POLITICAL COMMITTEE INCLUDES ON ITS CAMPAIGN**
25 **FINANCE REPORT:**

26 **(I) A LUMP SUM CONTRIBUTION OF THE NET AMOUNT**
27 **RECEIVED BY THE POLITICAL COMMITTEE FROM THE RAFFLE, SPIN, OR CHANCE**
28 **AT THE FUNDRAISING EVENT; AND**

29 **(II) THE TOTAL NUMBER OF PERSONS PURCHASING A**
30 **RAFFLE TICKET, SPIN, OR CHANCE AT THE EVENT.**

1 (c) If a political committee raises funds in excess of a limit specified in this
2 section, the political committee shall:

3 (1) donate the excess to a charity of its choice; or

4 (2) identify in its account book the amount received from each
5 individual who purchased a spin or chance.

6 (d) The State Board shall adopt regulations to implement this section.

7 [13-301.

8 In this subtitle, the provisions that apply to a “campaign finance entity” also
9 apply to a campaign entity located outside the State with regard to all expenditures
10 within the State.]

11 **13-301.**

12 (A) IN THIS SECTION, “OUT-OF-STATE POLITICAL COMMITTEE” MEANS
13 A NONFEDERAL POLITICAL COMMITTEE ORGANIZED UNDER THE LAW OF
14 ANOTHER STATE.

15 (B) (1) AN OUT-OF-STATE POLITICAL COMMITTEE SHALL REGISTER
16 WITH THE STATE BOARD ON A FORM THAT THE STATE BOARD PRESCRIBES
17 WITHIN 48 HOURS AFTER DIRECTLY OR INDIRECTLY MAKING TRANSFERS IN A
18 CUMULATIVE AMOUNT OF \$6,000 OR MORE IN AN ELECTION CYCLE TO ONE OR
19 MORE CAMPAIGN FINANCE ENTITIES ORGANIZED UNDER SUBTITLE 2, PART II
20 OF THIS TITLE.

21 (2) THE REGISTRATION FORM THE STATE BOARD PRESCRIBES
22 SHALL REQUIRE AN OUT-OF-STATE POLITICAL COMMITTEE TO DESIGNATE THE
23 ELECTION YEAR IN WHICH THE COMMITTEE IS PARTICIPATING.

24 (C) AFTER REGISTERING WITH THE STATE BOARD, AN OUT-OF-STATE
25 POLITICAL COMMITTEE SHALL FILE REPORTS WITH THE STATE BOARD FOR THE
26 ELECTION YEAR IN WHICH THE COMMITTEE IS PARTICIPATING ON OR BEFORE
27 EACH DATE THAT A CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS REQUIRED
28 TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.

29 (D) THE REPORTS UNDER SUBSECTION (C) OF THIS SECTION SHALL:

30 (1) DISCLOSE ALL EXPENDITURES MADE IN THE STATE BY THE
31 OUT-OF-STATE POLITICAL COMMITTEE:

1 **(I) FROM THE BEGINNING OF THE ELECTION CYCLE IN THE**
2 **CASE OF THE FIRST REPORT FILED BY THE OUT-OF-STATE POLITICAL**
3 **COMMITTEE; OR**

4 **(II) DURING THE APPLICABLE REPORTING PERIOD UNDER §**
5 **13-312 OF THIS SUBTITLE FOR EACH SUBSEQUENT REPORT FILED BY THE**
6 **OUT-OF-STATE POLITICAL COMMITTEE;**

7 **(2) DESCRIBE HOW TO ACCESS THE CAMPAIGN FINANCE REPORTS**
8 **FILED BY THE OUT-OF-STATE POLITICAL COMMITTEE IN THE STATE WHERE**
9 **THE COMMITTEE IS ~~ORGANIZED~~ REGISTERED AND FILES THE REPORTS; AND**

10 **(3) BE FILED IN THE MANNER AND SUBJECT TO THE SANCTIONS**
11 **PROVIDED IN PARTS VI AND VII OF THIS SUBTITLE.**

12 13-304.

13 (a) (1) From the date of its organization until its termination under the
14 provisions of this title, a campaign finance entity, except a political club, shall file a
15 campaign finance report at the State Board at the times and for the periods required
16 by §§ 13-309, 13-312, and 13-316 of this subtitle.

17 (2) A campaign finance report submitted using an electronic format
18 shall:

19 (i) be made under oath or affirmation;

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

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

23 (b) A campaign finance report filed by a campaign finance entity under
24 subsection (a) of this section shall include:

25 (1) the information required by the State Board with respect to all
26 contributions received and all expenditures made by or on behalf of the campaign
27 finance entity during the designated reporting period; and

28 (2) the information regarding the occupations and employers of
29 contributors required to be recorded by the treasurer of a campaign finance entity
30 under § 13-221 of this title.

31 **(C) (1) IN THIS SUBSECTION, “ELIGIBLE CONTRIBUTION” MEANS A**
32 **CONTRIBUTION OR SERIES OF CONTRIBUTIONS MADE BY THE SAME PERSON**

1 FOR WHICH A RECEIPT IS NOT REQUIRED TO BE ISSUED UNDER § 13-222 OF
 2 THIS TITLE.

3 **(2)** THE REQUIREMENTS OF THIS SUBSECTION PREVAIL TO THE
 4 EXTENT OF ANY CONFLICT WITH § 13-240(B) OF THIS TITLE.

5 ~~(2)~~ **(3)** EXCEPT AS PROVIDED IN ~~PARAGRAPH (3)~~ PARAGRAPHS
 6 **(4) AND (5)** OF THIS SUBSECTION, ~~AN AUTHORIZED CANDIDATE CAMPAIGN A~~
 7 POLITICAL COMMITTEE SHALL REPORT THE FOLLOWING INFORMATION ON ITS
 8 CAMPAIGN FINANCE REPORTS FOR EACH CONTRIBUTION THE COMMITTEE
 9 RECEIVES:

10 **(I)** THE AMOUNT OF EACH CONTRIBUTION; AND

11 **(II)** THE NAME AND RESIDENTIAL ADDRESS OF EACH
 12 CONTRIBUTOR, UNLESS A CONTRIBUTOR RECEIVES A CONFIDENTIALITY
 13 WAIVER FROM THE STATE BOARD FOR A RESIDENTIAL ADDRESS, IN WHICH
 14 CASE A SUITABLE ALTERNATIVE ADDRESS APPROVED BY THE STATE BOARD
 15 MAY BE USED.

16 ~~(3)~~ **(4)** A CAMPAIGN FINANCE ENTITY OF A CANDIDATE MAY
 17 REPORT A MAXIMUM OF A CUMULATIVE AMOUNT OF \$25,000 IN ELIGIBLE
 18 CONTRIBUTIONS IN AN ELECTION CYCLE ON ITS CAMPAIGN FINANCE REPORTS
 19 WITHOUT PROVIDING THE INFORMATION REQUIRED UNDER PARAGRAPH ~~(2)~~ **(3)**
 20 OF THIS SUBSECTION.

21 **(5)** A POLITICAL COMMITTEE MAY REPORT ELIGIBLE
 22 CONTRIBUTIONS COLLECTED IN ACCORDANCE WITH § 13-241 OR § 13-242 OF
 23 THIS TITLE ON ITS CAMPAIGN FINANCE REPORTS IN THE MANNER SPECIFIED IN
 24 PARAGRAPH (4) OF THIS SUBSECTION IF THE FOLLOWING IS INCLUDED ON THE
 25 POLITICAL COMMITTEE'S CAMPAIGN FINANCE REPORT:

26 **(I)** A LUMP SUM CONTRIBUTION OF THE TOTAL AMOUNT
 27 RECEIVED BY THE POLITICAL COMMITTEE IN THE FORM OF ELIGIBLE
 28 CONTRIBUTIONS;

29 **(II)** THE NUMBER OF INDIVIDUALS MAKING ELIGIBLE
 30 CONTRIBUTIONS; AND

31 **(III)** THE AVERAGE AMOUNT OF THE ELIGIBLE
 32 CONTRIBUTIONS RECEIVED BY THE POLITICAL COMMITTEE.

33 **[(c)] (D)** A campaign finance report prescribed by this subtitle for the
 34 campaign finance entity of a candidate is required whether or not:

- 1 (1) the candidate files a certificate of candidacy;
- 2 (2) the candidate withdraws, declines a nomination, or otherwise
3 ceases to be a candidate;
- 4 (3) the candidate's name appears on the primary ballot; or
- 5 (4) the candidate is successful in the election.

6 13–305.

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

- 11 (1) establishing the campaign finance entity; or
- 12 (2) filing the campaign finance entity's last campaign finance report.

13 (b) The affidavit shall be filed on or before the date a campaign finance
14 report is due to be filed under § 13–309 of this subtitle.

15 [(c) (1) This subsection only applies to a campaign finance entity of a
16 candidate for election to the central committee of a political party that is authorized
17 under subsection (a) of this section to file an affidavit instead of filing a campaign
18 finance report on a date specified in § 13–309(a) of this subtitle.

19 (2) Subject to paragraph (3) of this subsection, a campaign finance
20 entity subject to this subsection is not required to file an affidavit under this section or
21 a campaign finance report on a date specified in § 13–309(a) of this subtitle.

22 (3) A campaign finance entity subject to this subsection shall file an
23 affidavit under subsection (a) of this section or a campaign finance report on the date
24 specified in § 13–309(c) of this subtitle.]

25 13–306.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) **(I)** “Donation” means the gift or transfer, or promise of gift or
28 transfer, of money or other thing of value to a person [that is made for the purpose of
29 furthering] **WHO MAKES** independent expenditures.

1 **(II) “DONATION” DOES NOT INCLUDE ANY AMOUNT OF**
2 **MONEY OR ANY OTHER THING OF VALUE:**

3 **1. RECEIVED BY A PERSON IN THE ORDINARY**
4 **COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON, WHETHER**
5 **FOR PROFIT OR NOT FOR PROFIT, OR IN THE FORM OF INVESTMENTS IN THE**
6 **PERSON’S BUSINESS; OR**

7 **2. A. THAT THE DONOR AND THE PERSON**
8 **RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING**
9 **MAY NOT BE USED FOR INDEPENDENT EXPENDITURES; AND**

10 **B. IN THE CASE OF A MONETARY DONATION, IS**
11 **DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR**
12 **INDEPENDENT EXPENDITURES.**

13 **(3) “E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**
14 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**
15 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

16 **[(3)] (4) “Mass mailing” means a mailing by United States mail or**
17 **facsimile of more than 500 pieces of mail matter of an identical or substantially**
18 **similar nature within any 30-day period.**

19 **[(4)] (5) (i) “Person” includes an individual, a partnership, a**
20 **committee, an association, a corporation, a labor organization, or any other**
21 **organization or group of persons.**

22 **(ii) “Person” does not include a campaign finance entity**
23 **organized under Subtitle 2, Part II of this title.**

24 **[(5)] (6) (i) “Public communication” means a communication by**
25 **means of any broadcast TELEVISION OR RADIO COMMUNICATION, cable**
26 **TELEVISION COMMUNICATION, [or] satellite TELEVISION OR RADIO**
27 **communication, newspaper, magazine, outdoor advertising facility, mass mailing,**
28 **E-MAIL BLAST, TEXT BLAST, or telephone bank to the general public, or any other**
29 **form of general public political advertising.**

30 **(ii) “Public communication” does not include:**

31 **1. a news story, a commentary, or an editorial**
32 **disseminated by a broadcasting station, including a cable television operator,**
33 **programmer, or producer, satellite television or radio provider, Web site, newspaper,**
34 **magazine, or other periodical publication, including any Internet or electronic**
35 **publication, that is not controlled by a candidate or political party; ~~or~~**

1 **2. AN INTERNAL MEMBERSHIP COMMUNICATION BY**
2 **A BUSINESS OR OTHER ENTITY TO ITS STOCKHOLDERS OR MEMBERS AND**
3 **EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE**
4 **FAMILIES, OR BY A MEMBERSHIP ENTITY, AS DEFINED UNDER § 13-243 OF THIS**
5 **TITLE, TO ITS MEMBERS, EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND**
6 **THEIR IMMEDIATE FAMILIES; OR**

7 ~~2.~~ **3.** a candidate debate or forum.

8 **[(6)] (7)** “Telephone bank” means more than 500 telephone calls of an
9 identical or substantially similar nature within any 30-day period.

10 **(8) “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES**
11 **OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE**
12 **TELEPHONE NUMBERS SIMULTANEOUSLY.**

13 **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**
14 **INDEPENDENT EXPENDITURES OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**
15 **CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, THE PERSON SHALL**
16 **FILE A REGISTRATION FORM WITH THE STATE BOARD.**

17 **[(b)] (C) [After] WITHIN 48 HOURS AFTER A DAY ON WHICH** a person
18 makes aggregate independent expenditures of \$10,000 or more in an election cycle for
19 campaign material that is a public communication, the person shall file an
20 independent expenditure report [as required in this section] **WITH THE STATE**
21 **BOARD.**

22 **[(c) (1)]** If the campaign material relates to a candidate, the person shall
23 file an independent expenditure report with the State Board on the next date a
24 campaign finance entity of a candidate is required to file a campaign finance report
25 under § 13-309 of this subtitle.

26 **(2)** If the campaign material relates to a ballot issue, the person shall
27 file an independent expenditure report with the State Board on the next date a ballot
28 issue committee is required to file a campaign finance report under § 13-309 of this
29 subtitle.

30 **(3)** An independent expenditure report filed under this subsection
31 shall include the information required by subsection (e) of this section for the period
32 from the beginning of the election cycle through the last day of the reporting period
33 under § 13-312 of this subtitle that precedes the report filing date.]

34 **(d) [(1)]** A person who files an independent expenditure report under
35 subsection (c) of this section shall file an additional independent expenditure report

1 [following a date on which] **WITH THE STATE BOARD WITHIN 48 HOURS AFTER A**
2 **DAY ON WHICH** the person makes aggregate independent expenditures of \$10,000 or
3 more for campaign material that is a public communication following the closing date
4 of the person's previous independent expenditure report.

5 [(2) An independent expenditure report under this subsection shall:

6 (i) be filed with the State Board on the date specified in
7 subsection (c)(1) and (2) of this section; and

8 (ii) include the information required by subsection (e) of this
9 section for the period from the closing date of the previous independent expenditure
10 report through the last day of the reporting period under § 13-312 of this subtitle that
11 precedes the report filing date.]

12 (e) An independent expenditure report shall include the following
13 information:

14 (1) the identity of the person making the independent expenditures
15 and of any person exercising direction or control over the activities of the person
16 making the independent expenditures;

17 (2) the business address of the person making the independent
18 expenditures;

19 (3) the amount and date of each independent expenditure during the
20 period covered by the report and the person to whom the expenditure was made;

21 (4) the candidate or ballot issue to which the independent expenditure
22 relates and whether the independent expenditure supports or opposes that candidate
23 or ballot issue; and

24 (5) the identity of each person who made cumulative donations [in
25 excess] of [~~\$51~~] **\$10,000 OR MORE** to the person making the independent
26 expenditures during the period covered by the report.

27 (f) For purposes of this section, a person shall be considered to have made an
28 independent expenditure if the person has executed a contract to make an
29 independent expenditure.

30 (g) The cost of creating and disseminating campaign material, including any
31 design and production costs, shall be considered in determining the aggregate amount
32 of independent expenditures made by a person for campaign material that is a public
33 communication under this section.

1 (h) The treasurer or other individual designated by an entity required to file
2 an independent expenditure report under this section:

3 (1) shall sign each independent expenditure report; and

4 (2) is responsible for filing independent expenditure reports in full and
5 accurate detail.

6 (i) (1) [An individual is subject to the sanctions that apply to the
7 responsible officers of a campaign finance entity under Part VII of this subtitle for
8 failure to file properly an independent expenditure report.

9 (2) The failure] **A PERSON WHO FAILS** to provide on an independent
10 expenditure report all of the information required by this section [is deemed a failure
11 to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as
12 provided in § 13-327(b) of this subtitle.

13 **(2) (I) ~~IN~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
14 **PARAGRAPH, IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, THE**
15 **STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE PROPERLY**
16 **AN INDEPENDENT EXPENDITURE REPORT OR AN AMENDED INDEPENDENT**
17 **EXPENDITURE REPORT IN AN AMOUNT NOT EXCEEDING THE GREATER OF:**

18 ~~(H)~~ **1. \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**
19 **INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT**
20 **EXPENDITURE REPORT IS OVERDUE; OR**

21 ~~(H)~~ **2. 10% OF THE AMOUNT OF THE DONATIONS OR**
22 **INDEPENDENT EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY**
23 **MANNER.**

24 **(II) IF THE FAILURE TO FILE PROPERLY AN INDEPENDENT**
25 **EXPENDITURE REPORT OR AN AMENDED INDEPENDENT EXPENDITURE REPORT**
26 **OCCURS MORE THAN 28 DAYS BEFORE THE DAY OF A PRIMARY OR GENERAL**
27 **ELECTION, THE STATE BOARD MAY ASSESS A CIVIL PENALTY IN AN AMOUNT**
28 **NOT EXCEEDING THE GREATER OF:**

29 **1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN**
30 **INDEPENDENT EXPENDITURE REPORT OR AMENDED INDEPENDENT**
31 **EXPENDITURE REPORT IS OVERDUE; OR**

32 **2. 10% OF THE AMOUNT OF THE DONATIONS OR**
33 **DISBURSEMENTS FOR INDEPENDENT EXPENDITURES THAT WERE NOT**
34 **REPORTED IN A TIMELY MANNER.**

1 **(3) A CIVIL PENALTY UNDER PARAGRAPH (2) OF THIS**
2 **SUBSECTION SHALL BE:**

3 **(I) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF**
4 **THIS TITLE; AND**

5 **(II) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

6 **(4) A PERSON WHO FAILS TO FILE PROPERLY AN INDEPENDENT**
7 **EXPENDITURE REPORT OR AMENDED INDEPENDENT EXPENDITURE REPORT**
8 **UNDER THIS SECTION MAY SEEK RELIEF FROM A PENALTY UNDER PARAGRAPH**
9 **(2) OF THIS SUBSECTION FOR JUST CAUSE AS PROVIDED IN § 13-337 OF THIS**
10 **SUBTITLE.**

11 (j) (1) An entity required to file an independent expenditure report under
12 this section shall do at least one of the following, unless neither are applicable to the
13 entity:

14 (i) if the entity submits regular, periodic reports to its
15 shareholders, members, or donors, include in each report, in a clear and conspicuous
16 manner, the information specified in subsection (e)(3) through (5) of this section for
17 each independent expenditure made during the period covered by the report that must
18 be included in an independent expenditure report; or

19 (ii) if the entity maintains an Internet site, post on that Internet
20 site a hyperlink from its homepage to the Internet site where the entity's independent
21 expenditure report information is publicly available.

22 (2) An entity shall post the hyperlink required under paragraph (1)(ii)
23 of this subsection within 24 hours of the entity's independent expenditure report
24 information being made publicly available on the Internet, and the hyperlink shall
25 remain posted on the entity's Internet site until the end of the election cycle during
26 which the entity filed an independent expenditure report.

27 (k) (1) A person required to file an independent expenditure report under
28 this section shall keep detailed and accurate records of:

29 (i) all independent expenditures made by the person for
30 campaign material that is a public communication; and

31 (ii) all donations received by the person [that are for the
32 purpose of furthering independent expenditures for campaign material that is a public
33 communication].

1 (2) Records required to be kept under this subsection shall be
2 preserved for 2 years after the end of the election cycle in which the person filed the
3 independent expenditure report to which the records relate.

4 (l) The State Board may adopt regulations as necessary to implement the
5 requirements of this section.

6 13-307.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) (I) "Donation" means the gift or transfer, or promise of gift or
9 transfer, of money or other thing of value to a person that [is made for the purpose of
10 furthering] **MAKES DISBURSEMENTS FOR** electioneering communications.

11 (II) **"DONATION" DOES NOT INCLUDE ANY AMOUNT OF**
12 **MONEY OR ANY OTHER THING OF VALUE:**

13 1. **RECEIVED BY A PERSON IN THE ORDINARY**
14 **COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON, WHETHER**
15 **FOR PROFIT OR NOT FOR PROFIT, OR IN THE FORM OF INVESTMENTS IN THE**
16 **PERSON'S BUSINESS; OR**

17 2. **A. THAT THE DONOR AND THE PERSON**
18 **RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING**
19 **MAY NOT BE USED FOR ELECTIONEERING COMMUNICATIONS; AND**

20 **B. IN THE CASE OF A MONETARY DONATION, IS**
21 **DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR**
22 **ELECTIONEERING COMMUNICATIONS.**

23 (3) (i) "Electioneering communication" means a broadcast
24 **TELEVISION OR RADIO COMMUNICATION, A cable TELEVISION COMMUNICATION,**
25 **[or] A satellite TELEVISION OR RADIO communication, A MASS MAILING, AN**
26 **E-MAIL BLAST, A TEXT BLAST, A TELEPHONE BANK, OR AN ADVERTISEMENT IN A**
27 **PRINT PUBLICATION that:**

28 1. refers to a clearly identified candidate or ballot issue;

29 2. is made within 60 days of an election day on which
30 the candidate or ballot issue is on the ballot;

31 3. is capable of being received by:

1 A. 50,000 or more individuals in the constituency where
2 the candidate or ballot issue is on the ballot, **IF THE COMMUNICATION IS**
3 **TRANSMITTED BY TELEVISION OR RADIO; OR**

4 B. **5,000 OR MORE INDIVIDUALS IN THE**
5 **CONSTITUENCY WHERE THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT,**
6 **IF THE COMMUNICATION IS A MASS MAILING, AN E-MAIL BLAST, A TEXT BLAST, A**
7 **TELEPHONE BANK, OR AN ADVERTISEMENT IN A PRINT PUBLICATION; and**

8 4. is not made in coordination with, or at the request or
9 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a
10 candidate, or a ballot issue committee.

11 (ii) “Electioneering communication” does not include:

12 1. an independent expenditure;

13 2. a news story, a commentary, or an editorial
14 disseminated by a broadcasting station, including a cable television operator,
15 programmer, or producer, or satellite television or radio provider that is not controlled
16 by a candidate or political party;

17 3. a candidate debate or forum; ~~or~~

18 4. **AN INTERNAL MEMBERSHIP COMMUNICATION BY**
19 **A BUSINESS OR OTHER ENTITY TO ITS STOCKHOLDERS OR MEMBERS AND**
20 **EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND THEIR IMMEDIATE**
21 **FAMILIES, OR BY A MEMBERSHIP ENTITY, AS DEFINED UNDER § 13-243 OF THIS**
22 **TITLE, TO ITS MEMBERS, EXECUTIVE AND ADMINISTRATIVE PERSONNEL AND**
23 **THEIR IMMEDIATE FAMILIES; OR**

24 ~~4~~ **5.** a communication that proposes a commercial
25 transaction.

26 (iii) For purposes of this paragraph, “clearly identified” means:

27 1. the name of a candidate appears;

28 2. a photograph or drawing of a candidate appears; or

29 3. the identity of a candidate or ballot issue is apparent
30 by unambiguous reference.

31 (4) **“E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**
32 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**
33 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

1 **(5) “MASS MAILING” MEANS A MAILING BY UNITED STATES MAIL**
2 **OR FACSIMILE OF MORE THAN 5,000 PIECES OF MAIL MATTER OF AN IDENTICAL**
3 **OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY 30-DAY PERIOD.**

4 **[(4)] (6)** (i) “Person” includes an individual, a partnership, a
5 committee, an association, a corporation, a labor organization, or any other
6 organization or group of persons.

7 (ii) “Person” does not include a campaign finance entity
8 organized under Subtitle 2, Part II of this title.

9 **(7) “TELEPHONE BANK” MEANS MORE THAN 5,000 TELEPHONE**
10 **CALLS OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY**
11 **30-DAY PERIOD.**

12 **(8) “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES**
13 **OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE**
14 **TELEPHONE NUMBERS SIMULTANEOUSLY.**

15 **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**
16 **DISBURSEMENTS OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**
17 **ELECTIONEERING COMMUNICATIONS, THE PERSON SHALL FILE A**
18 **REGISTRATION FORM WITH THE STATE BOARD.**

19 **[(b)] (C)** **[After] WITHIN 48 HOURS AFTER A DAY ON WHICH** a person
20 makes aggregate disbursements of \$10,000 or more in an election cycle for
21 electioneering communications, the person shall file an electioneering communication
22 report **[as required in this section] WITH THE STATE BOARD.**

23 **[(c) (1)]** If the electioneering communications relate to a candidate, the
24 person shall file an electioneering communication report with the State Board on the
25 next date a campaign finance entity of a candidate is required to file a campaign
26 finance report under § 13-309 of this subtitle.

27 **(2)** If the electioneering communications relate to a ballot issue, the
28 person shall file an electioneering communication report with the State Board on the
29 next date a ballot issue committee is required to file a campaign finance report under §
30 13-309 of this subtitle.

31 **(3)** An electioneering communication report filed under this subsection
32 shall include the information required by subsection (e) of this section for the period
33 from the beginning of the election cycle through the last day of the reporting period
34 under § 13-312 of this subtitle that precedes the report filing date.]

1 (d) [(1)] A person who files an electioneering communication report under
2 subsection (c) of this section shall file an additional electioneering communication
3 report [following a date on which] **WITH THE STATE BOARD WITHIN 48 HOURS**
4 **AFTER A DAY ON WHICH** the person makes aggregate disbursements of \$10,000 or
5 more for electioneering communications following the closing date of the person's
6 previous electioneering communication report.

7 [(2)] An electioneering communication report under this subsection
8 shall:

9 (i) be filed with the State Board on the date specified in
10 subsection (c)(1) and (2) of this section; and

11 (ii) include the information required by subsection (e) of this
12 section for the period from the closing date of the previous electioneering
13 communication report through the last day of the reporting period under § 13-312 of
14 this subtitle that precedes the report filing date.]

15 (e) An electioneering communication report shall include the following
16 information:

17 (1) the identity of the person making disbursements for electioneering
18 communications and of any person exercising direction or control over the activities of
19 the person making the disbursements for electioneering communications;

20 (2) the business address of the person making the disbursements for
21 electioneering communications;

22 (3) the amount and date of each disbursement for electioneering
23 communications during the period covered by the report and the person to whom the
24 disbursement was made;

25 (4) the candidate or ballot issue to which the electioneering
26 communications relate;

27 (5) the identity of each person who made cumulative donations [in
28 excess] of [§51] **\$10,000 OR MORE** to the person making the disbursements for
29 electioneering communications during the period covered by the report.

30 (f) (1) For purposes of this section, a person shall be considered to have
31 made a disbursement for an electioneering communication if the person has executed
32 a contract to make a disbursement for an electioneering communication.

33 (2) A person who makes a contribution to a campaign finance entity
34 may not be considered to have made a disbursement for electioneering
35 communications under this section because of the contribution.

1 (g) The cost of creating and disseminating electioneering communications,
2 including any design and production costs, shall be considered in determining the
3 aggregate amount of disbursements for electioneering communications made by a
4 person under this section.

5 (h) The treasurer or other individual designated by an entity required to file
6 an electioneering communication report under this section:

7 (1) shall sign each electioneering communication report; and

8 (2) is responsible for filing electioneering communication reports in
9 full and accurate detail.

10 (i) (1) [An individual is subject to the sanctions that apply to the
11 responsible officers of a campaign finance entity under Part VII of this subtitle for
12 failure to file properly an electioneering communication report.

13 (2) The failure] **A PERSON WHO FAILS** to provide on an electioneering
14 communication report all of the information required by this section [is deemed a
15 failure to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as
16 provided in § 13-327(b) of this subtitle.

17 (2) **(I) ~~IN~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
18 **PARAGRAPH, IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, THE**
19 **STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE PROPERLY**
20 **AN ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
21 **ELECTIONEERING COMMUNICATION REPORT IN AN AMOUNT NOT EXCEEDING**
22 **THE GREATER OF:**

23 ~~(H)~~ **1. \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**
24 **ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING**
25 **COMMUNICATION REPORT IS OVERDUE; OR**

26 ~~(H)~~ **2. 10% OF THE AMOUNT OF THE DONATIONS OR**
27 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT**
28 **REPORTED IN A TIMELY MANNER.**

29 **(II) IF THE FAILURE TO FILE PROPERLY AN**
30 **ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
31 **ELECTIONEERING COMMUNICATION REPORT OCCURS MORE THAN 28 DAYS**
32 **BEFORE THE DAY OF A PRIMARY OR GENERAL ELECTION, THE STATE BOARD**
33 **MAY ASSESS A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING THE GREATER OF:**

1 **1. \$100 FOR EACH DAY OR PART OF A DAY THAT AN**
2 **ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING**
3 **COMMUNICATION REPORT IS OVERDUE; OR**

4 **2. 10% OF THE AMOUNT OF THE DONATIONS OR**
5 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT**
6 **REPORTED IN A TIMELY MANNER.**

7 **(3) A PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION**
8 **SHALL BE:**

9 **(I) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF**
10 **THIS TITLE; AND**

11 **(II) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

12 **(4) A PERSON WHO FAILS TO FILE PROPERLY AN**
13 **ELECTIONEERING COMMUNICATION REPORT OR AMENDED ELECTIONEERING**
14 **COMMUNICATION REPORT UNDER THIS SECTION MAY SEEK RELIEF FROM A**
15 **PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR JUST CAUSE AS**
16 **PROVIDED IN § 13-337 OF THIS SUBTITLE.**

17 (j) (1) An entity required to file an electioneering communication report
18 under this section shall do at least one of the following, unless neither are applicable
19 to the entity:

20 (i) if the entity submits regular, periodic reports to its
21 shareholders, members, or donors, include in each report in a clear and conspicuous
22 manner, the information specified in subsection (e)(3) through (5) of this section for
23 each disbursement for electioneering communications made during the period covered
24 by the report that must be included in an electioneering communication report; or

25 (ii) if the entity maintains an Internet site, post on that Internet
26 site a hyperlink from its homepage to the Internet site where the entity's
27 electioneering communication report information is publicly available.

28 (2) (i) An entity shall post the hyperlink required under paragraph
29 (1)(ii) of this subsection within 24 hours of the entity's electioneering communication
30 report information being made publicly available on the Internet.

31 (ii) The hyperlink shall remain posted on the entity's Internet
32 site until the end of the election cycle during which the entity filed an electioneering
33 communication report.

34 (k) (1) A person required to file an electioneering communication report
35 under this section shall keep detailed and accurate records of:

1 (i) all disbursements for electioneering communications made
2 by the person; and

3 (ii) all donations received by the person [that are for the
4 purpose of furthering electioneering communications].

5 (2) Records required to be kept under this subsection shall be
6 preserved until 2 years after the end of the election cycle in which the person filed the
7 electioneering communication report to which the records relate.

8 (l) The State Board may adopt regulations as necessary to implement the
9 requirements of this section.

10 ~~13-309.~~

11 ~~(a) Subject to other provisions of this subtitle AND EXCEPT AS PROVIDED~~
12 ~~IN SUBSECTION (D) OF THIS SECTION, a campaign finance entity shall file campaign~~
13 ~~finance reports as follows:~~

14 ~~(1) except for a ballot issue committee, on or before the fourth Tuesday~~
15 ~~immediately preceding each primary election [except a presidential primary election];~~

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

18 ~~(3) ON OR BEFORE THE LAST TUESDAY IN AUGUST IMMEDIATELY~~
19 ~~PRECEDING A GENERAL ELECTION;~~

20 ~~[(3)] (4) for a ballot issue committee only, on or before the fourth~~
21 ~~Friday immediately preceding a general election;~~

22 ~~[(4)] (5) on or before the second Friday immediately preceding a~~
23 ~~general election; and~~

24 ~~[(5)] (6) on or before the third Tuesday after a general election.~~

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

28 ~~(2) In addition to the campaign finance reports required under~~
29 ~~subsection (a) of this section, but subject to paragraph (4) of this subsection, a~~
30 ~~campaign finance entity shall file A campaign finance [reports] REPORT on the third~~
31 ~~Wednesday in January.~~

1 ~~(3) (i) If subsequent to the filing of its declaration under §~~
2 ~~13-208(e)(3) of this title, a campaign finance entity participates in an election in which~~
3 ~~it was not designated to participate, the campaign finance entity shall file all~~
4 ~~campaign FINANCE reports prescribed under subsection (a) of this section for that~~
5 ~~election.~~

6 ~~(ii) A violation of subparagraph (i) of this paragraph constitutes~~
7 ~~a failure to file by the campaign finance entity, and the responsible officer is guilty of a~~
8 ~~misdemeanor and on conviction is subject to the penalties prescribed under Part VII of~~
9 ~~this subtitle.~~

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

14 ~~(e) In addition to the campaign FINANCE reports required under subsection~~
15 ~~(a) of this section, a continuing political committee shall file a campaign finance report~~
16 ~~on the third Wednesday in January of each year the committee is in existence.~~

17 ~~(D) AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OF A~~
18 ~~CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL~~
19 ~~PARTY:~~

20 ~~(1) SHALL FILE A CAMPAIGN FINANCE REPORT ON OR BEFORE~~
21 ~~THE THIRD TUESDAY AFTER A GUBERNATORIAL PRIMARY ELECTION; AND~~

22 ~~(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION~~
23 ~~AND § 13-310 OF THIS SUBTITLE, IS NOT REQUIRED TO FILE ANY OTHER~~
24 ~~CAMPAIGN FINANCE REPORTS.~~

25 **13-309.1.**

26 **(A) IN THIS SECTION, “ELECTIONEERING COMMUNICATION” HAS THE**
27 **MEANING STATED IN § 13-307(A) OF THIS SUBTITLE.**

28 **(B) THIS SECTION APPLIES TO A POLITICAL ACTION COMMITTEE ~~IF THE~~**
29 **~~EXPENDITURES OF THE POLITICAL ACTION COMMITTEE ARE EXCLUSIVELY THAT~~**
30 **EXCLUSIVELY MAKES:**

31 **(1) INDEPENDENT EXPENDITURES; OR**

32 **(2) DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.**

1 (C) FOR PURPOSES OF THIS SECTION, A POLITICAL ACTION COMMITTEE
2 SHALL BE CONSIDERED TO HAVE MADE AN EXPENDITURE IF THE POLITICAL
3 ACTION COMMITTEE HAS EXECUTED A CONTRACT TO MAKE AN EXPENDITURE.

4 (D) (1) ~~THE CAMPAIGN FINANCE DISCLOSURE~~ REPORTS REQUIRED
5 UNDER THIS SECTION ARE IN ADDITION TO THE CAMPAIGN FINANCE REPORTS
6 REQUIRED UNDER § 13-309 OF THIS SUBTITLE.

7 (2) THE POLITICAL ACTION COMMITTEE SHALL INCLUDE ALL OF
8 THE INFORMATION REPORTED ON A DISCLOSURE REPORT ON ITS REGULARLY
9 FILED CAMPAIGN FINANCE REPORTS.

10 ~~(E) WITHIN 48 HOURS AFTER A DAY ON WHICH A POLITICAL~~
11 ~~COMMITTEE SUBJECT TO THIS SECTION MAKES AGGREGATE EXPENDITURES OF~~
12 ~~\$10,000 OR MORE IN AN ELECTION CYCLE, THE POLITICAL COMMITTEE SHALL~~
13 ~~FILE A CAMPAIGN FINANCE REPORT.~~

14 (E) A POLITICAL ACTION COMMITTEE SHALL FILE A DISCLOSURE
15 REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE POLITICAL ACTION
16 COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR MORE ON
17 CAMPAIGN MATERIAL DURING THE REPORTING PERIOD COVERED BY ITS NEXT
18 CAMPAIGN FINANCE REPORT.

19 ~~(F) A POLITICAL COMMITTEE THAT FILES A CAMPAIGN FINANCE~~
20 ~~REPORT UNDER SUBSECTION (E) OF THIS SECTION SHALL FILE AN ADDITIONAL~~
21 ~~CAMPAIGN FINANCE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE~~
22 ~~POLITICAL COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR~~
23 ~~MORE FOLLOWING THE CLOSING DATE OF THE POLITICAL COMMITTEE'S~~
24 ~~PREVIOUS CAMPAIGN FINANCE REPORT.~~

25 (F) A POLITICAL ACTION COMMITTEE SHALL FILE AN ADDITIONAL
26 DISCLOSURE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE POLITICAL
27 ACTION COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR MORE
28 ON CAMPAIGN MATERIAL FOLLOWING THE CLOSING DATE OF THE IMMEDIATELY
29 PRECEDING DISCLOSURE REPORT FILED BY THE POLITICAL ACTION
30 COMMITTEE.

31 (G) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, THE
32 STATE BOARD MAY ASSESS A PENALTY FOR FAILURE TO FILE PROPERLY A
33 ~~CAMPAIGN FINANCE DISCLOSURE~~ REPORT OR AN AMENDED ~~CAMPAIGN FINANCE~~
34 ~~DISCLOSURE~~ REPORT REQUIRED UNDER THIS SECTION IN AN AMOUNT NOT
35 EXCEEDING THE GREATER OF:

1 **(1) \$1,000 FOR EACH DAY OR PART OF A DAY THAT A ~~CAMPAIGN~~**
2 **~~FINANCE~~ DISCLOSURE REPORT OR AN AMENDED ~~CAMPAIGN FINANCE~~**
3 **DISCLOSURE REPORT IS OVERDUE; OR**

4 **(2) 10% OF THE AMOUNT OF THE CONTRIBUTIONS OR**
5 **EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY MANNER.**

6 **(H) A PERSON WHO FAILS TO FILE PROPERLY A ~~CAMPAIGN FINANCE~~**
7 **DISCLOSURE REPORT OR AN AMENDED ~~CAMPAIGN FINANCE~~ DISCLOSURE**
8 **REPORT UNDER THIS SECTION MAY SEEK RELIEF FROM A PENALTY UNDER**
9 **SUBSECTION (G) OF THIS SECTION FOR JUST CAUSE AS PROVIDED IN § 13-337**
10 **OF THIS SUBTITLE.**

11 **(I) A PENALTY UNDER SUBSECTION (G) OF THIS SECTION SHALL BE:**

12 **(1) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS**
13 **TITLE; AND**

14 **(2) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

15 **13-309.2.**

16 **(A) IN THIS SECTION, “PARTICIPATING ORGANIZATION” MEANS ANY**
17 **ENTITY THAT IS ORGANIZED UNDER § 501(C)(4) OR (6) OR § 527 OF THE**
18 **INTERNAL REVENUE CODE AND MAKES:**

19 **(1) A CONTRIBUTION TO A CAMPAIGN FINANCE ENTITY FOR THE**
20 **EXPRESS PURPOSE OF CAUSING THE CAMPAIGN FINANCE ENTITY TO MAKE A**
21 **DISBURSEMENT IN THE STATE;**

22 **(2) A DONATION TO A PERSON FOR THE EXPRESS PURPOSE OF**
23 **CAUSING THE PERSON TO MAKE AN INDEPENDENT EXPENDITURE OR A**
24 **DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS IN THE STATE; OR**

25 **(3) A DONATION TO AN OUT-OF-STATE POLITICAL COMMITTEE**
26 **FOR THE EXPRESS PURPOSE OF CAUSING THE POLITICAL COMMITTEE TO MAKE**
27 **A DISBURSEMENT IN THE STATE.**

28 **(B) WITHIN 48 HOURS AFTER A PARTICIPATING ORGANIZATION MAKES**
29 **A CONTRIBUTION, DONATION, OR DISBURSEMENT OF \$6,000 OR MORE IN AN**
30 **ELECTION CYCLE THE PARTICIPATING ORGANIZATION SHALL FILE A**
31 **REGISTRATION FORM WITH THE STATE BOARD.**

1 **(C) A PARTICIPATING ORGANIZATION SHALL FILE A REPORT WITH THE**
2 **STATE BOARD IN THE YEAR OF THE ELECTION FOR WHICH IT IS PARTICIPATING**
3 **FOR THE PERIODS AND ON OR BEFORE THE DATES THAT A CAMPAIGN FINANCE**
4 **ENTITY FOR A CANDIDATE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT**
5 **UNDER THIS SUBTITLE.**

6 **(D) THE REPORT SHALL INCLUDE ALL DISBURSEMENTS MADE TO**
7 **INFLUENCE AN ELECTION IN THE STATE AND EITHER:**

8 **(1) THE NAME, ADDRESS, AND OCCUPATION, IF ANY, OF THE FIVE**
9 **DONORS WHO GAVE THE LARGEST AMOUNT OF MONEY TO THE PARTICIPATING**
10 **ORGANIZATION TO INFLUENCE AN ELECTION IN THE STATE DURING THE**
11 **1-YEAR PERIOD THAT IMMEDIATELY PRECEDES THE DATE OF THE REPORT; OR**

12 **(2) IF THE PARTICIPATING ORGANIZATION MADE A FILING WITH**
13 **THE STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION WITHIN 6 MONTHS**
14 **OF THE DATE WHEN A REPORT OTHERWISE WOULD BE REQUIRED, DESCRIBE**
15 **HOW THE PUBLIC MAY ACCESS VIA THE INTERNET THE PARTICIPATING**
16 **ORGANIZATION'S REPORTS THAT DETAIL DISBURSEMENTS MADE AND**
17 **DONATIONS RECEIVED.**

18 13-327.

19 (a) A campaign finance entity that fails to file a campaign finance report
20 [or], AN affidavit, OR AN AMENDED CAMPAIGN FINANCE REPORT required by this
21 subtitle is subject to the sanctions provided in Part VII of this subtitle.

22 (b) [The failure] IF A CAMPAIGN FINANCE ENTITY FAILS to provide on a
23 campaign finance report required by § 13-304 of this subtitle all of the information
24 required of the campaign finance entity by the State Board under this subtitle [is
25 deemed a failure to file and renders the campaign finance report overdue, only if]:

26 (1) the State Board [notifies] SHALL NOTIFY the responsible officers
27 in writing of the particular deficiencies; and

28 (2) the responsible officers [fail to] SHALL file [a properly corrected]
29 AN AMENDED campaign finance report THAT INCLUDES ALL OF THE INFORMATION
30 REQUIRED within 30 days after service of the notice.

31 13-331.

32 (a) In accordance with subsection (b) of this section, the State Board shall
33 assess a late filing fee for a failure to file a campaign finance report [or], AN affidavit,
34 OR AN AMENDED CAMPAIGN FINANCE REPORT, as specified in § 13-327 of this
35 subtitle.

1 (b) (1) The fee is \$10 for each day or part of a day[, excluding Saturdays,
2 Sundays, and holidays,] that a campaign finance report [or], AN affidavit, OR AN
3 **AMENDED CAMPAIGN FINANCE REPORT** is overdue.

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

7 (3) The maximum fee payable for a campaign finance report [or], AN
8 affidavit, **OR AN AMENDED CAMPAIGN FINANCE REPORT** is [\$250] **\$500**.

9 (c) (1) The State Board shall accept an overdue campaign finance report
10 [or], affidavit, **OR AMENDED CAMPAIGN FINANCE REPORT** that is submitted
11 without payment of the late filing fee, but the campaign finance report, **AFFIDAVIT,**
12 **OR AMENDED CAMPAIGN FINANCE REPORT** is not considered filed until the fee has
13 been paid.

14 (2) After an overdue campaign finance report [or], affidavit, **OR**
15 **AMENDED CAMPAIGN FINANCE REPORT** is received under paragraph (1) of this
16 subsection no further late filing fee shall be incurred.

17 (d) (1) **[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A late
18 filing fee [is the joint and several liability of the responsible officers and:

19 (1) may not] **SHALL** be paid[, directly or indirectly,] by the campaign
20 finance entity]; and

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

22 (2) **IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS**
23 **WITH WHICH TO PAY A LATE FILING FEE IN A TIMELY MANNER, THE LATE FILING**
24 **FEE IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE OFFICERS.**

25 13–340.

26 Fees [relating to] **FOR LATE FILING OF** campaign finance reports,
27 **AFFIDAVITS, OR AMENDED CAMPAIGN FINANCE REPORTS IMPOSED UNDER §**
28 **13–331 OF THIS SUBTITLE** shall be paid to the State Board and be applied to pay the
29 expenses of collection and of any audits of campaign finance reports performed by or at
30 the direction of the State Administrator.

31 **13–505.**

1 **(A) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE**
2 **GOVERNING BODY OF A COUNTY MAY ESTABLISH, BY LAW, A SYSTEM OF PUBLIC**
3 **CAMPAIGN FINANCING FOR ELECTIVE OFFICES IN THE EXECUTIVE OR**
4 **LEGISLATIVE BRANCHES OF COUNTY GOVERNMENT.**

5 **(2) WHEN ESTABLISHING A SYSTEM OF PUBLIC CAMPAIGN**
6 **FINANCING FOR ELECTIVE OFFICES IN THE EXECUTIVE OR LEGISLATIVE**
7 **BRANCHES OF COUNTY GOVERNMENT, THE GOVERNING BODY OF A COUNTY**
8 **SHALL SPECIFY THE CRITERIA THAT IS TO BE USED TO DETERMINE WHETHER**
9 **AN INDIVIDUAL IS ELIGIBLE FOR PUBLIC CAMPAIGN FINANCING.**

10 **(B) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER**
11 **SUBSECTION (A) OF THIS SECTION:**

12 **(1) SHALL PROVIDE FOR PARTICIPATION OF CANDIDATES IN**
13 **PUBLIC CAMPAIGN FINANCING ON A STRICTLY VOLUNTARY BASIS;**

14 **(2) MAY NOT REGULATE CANDIDATES WHO CHOOSE NOT TO**
15 **PARTICIPATE IN PUBLIC CAMPAIGN FINANCING;**

16 **(3) SHALL PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING**
17 **FOR ANY CAMPAIGN EXCEPT A CAMPAIGN FOR COUNTY ELECTIVE OFFICE;**

18 **(4) SHALL REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC**
19 **CAMPAIGN FINANCING TO:**

20 **(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR**
21 **THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND**

22 **(II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY**
23 **ONLY FOR THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE;**

24 **(5) SHALL PROHIBIT A CANDIDATE WHO ACCEPTS PUBLIC**
25 **CAMPAIGN FINANCING FROM TRANSFERRING FUNDS:**

26 **(I) TO THE CAMPAIGN FINANCE ENTITY ESTABLISHED TO**
27 **FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE FROM ANY OTHER**
28 **CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE CANDIDATE; AND**

29 **(II) FROM THE CAMPAIGN FINANCE ENTITY ESTABLISHED**
30 **TO FINANCE THE CAMPAIGN FOR COUNTY ELECTIVE OFFICE TO ANY OTHER**
31 **CAMPAIGN FINANCE ENTITY;**

1 **(6) SHALL PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY**
2 **ELECTIVE OFFICES THAT IS ADMINISTERED BY THE CHIEF FINANCIAL OFFICER**
3 **OF THE COUNTY; AND**

4 **(7) SHALL BE SUBJECT TO REGULATION AND OVERSIGHT BY THE**
5 **STATE BOARD TO ENSURE CONFORMITY WITH STATE LAW AND POLICY TO THE**
6 **EXTENT PRACTICABLE.**

7 **(C) A SYSTEM OF PUBLIC CAMPAIGN FINANCING ENACTED UNDER**
8 **SUBSECTION (A) OF THIS SECTION MAY:**

9 **(1) PROVIDE FOR MORE STRINGENT REGULATION OF CAMPAIGN**
10 **FINANCE ACTIVITY BY CANDIDATES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN**
11 **FINANCING, INCLUDING CONTRIBUTIONS, EXPENDITURES, REPORTING, AND**
12 **CAMPAIGN MATERIAL, THAN IS PROVIDED FOR BY STATE LAW; AND**

13 **(2) PROVIDE FOR ADMINISTRATIVE PENALTIES FOR VIOLATIONS,**
14 **IN ACCORDANCE WITH ARTICLE 25A, § 5 OF THE CODE.**

15 ~~**13-604.1.**~~

16 ~~**(A) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN ACCORDANCE**~~
17 ~~**WITH THIS SECTION FOR THE FOLLOWING VIOLATIONS:**~~

18 ~~**(1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN**~~
19 ~~**§ 13-218(B)(2), (C), AND (D) OF THIS TITLE;**~~

20 ~~**(2) FAILURE TO MAINTAIN A CAMPAIGN BANK ACCOUNT AS**~~
21 ~~**REQUIRED IN § 13-220(A) OF THIS TITLE;**~~

22 ~~**(3) MAKING A DISBURSEMENT BY A METHOD NOT AUTHORIZED IN**~~
23 ~~**§ 13-220(D) OF THIS TITLE;**~~

24 ~~**(4) FAILURE TO MAINTAIN DETAILED AND ACCURATE ACCOUNT**~~
25 ~~**BOOKS AND RECORDS AS REQUIRED IN § 13-221 OF THIS TITLE;**~~

26 ~~**(5) FAILURE TO REPORT ALL CONTRIBUTIONS RECEIVED AND**~~
27 ~~**EXPENDITURES MADE AS REQUIRED IN § 13-304(B) OF THIS TITLE;**~~

28 ~~**(6) FAILURE TO INCLUDE AN AUTHORITY LINE ON CAMPAIGN**~~
29 ~~**MATERIAL AS REQUIRED IN § 13-401 OF THIS TITLE; OR**~~

30 ~~**(7) FAILURE TO RETAIN A COPY OF CAMPAIGN MATERIAL AS**~~
31 ~~**REQUIRED IN § 13-403 OF THIS TITLE.**~~

1 ~~(B) A CIVIL PENALTY IMPOSED UNDER THIS SECTION FOR A VIOLATION~~
2 ~~SPECIFIED IN SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO ANY OTHER~~
3 ~~SANCTION PROVIDED BY LAW.~~

4 ~~(C) THE AMOUNT OF A CIVIL PENALTY IMPOSED UNDER THIS SECTION~~
5 ~~MAY NOT EXCEED \$500 FOR EACH VIOLATION.~~

6 ~~(D) THE CIVIL PENALTY IS PAYABLE TO THE STATE BOARD BY THE~~
7 ~~PERSON CHARGED IN A CITATION WITHIN 20 CALENDAR DAYS AFTER SERVICE~~
8 ~~OF THE CITATION.~~

9 ~~(E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,~~
10 ~~A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE~~
11 ~~CAMPAIGN FINANCE ENTITY.~~

12 ~~(2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS~~
13 ~~WITH WHICH TO PAY THE CIVIL PENALTY IN A TIMELY MANNER, THE CIVIL~~
14 ~~PENALTY IS THE JOINT AND SEVERAL LIABILITY OF THE RESPONSIBLE~~
15 ~~OFFICERS.~~

16 ~~(3) IF A VIOLATION IS COMMITTED BY A PERSON NOT ACTING ON~~
17 ~~BEHALF OF, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE OR A~~
18 ~~CAMPAIGN FINANCE ENTITY, THE CIVIL PENALTY SHALL BE PAID BY THE~~
19 ~~PERSON WHO COMMITTED THE VIOLATION.~~

20 ~~(F) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE~~
21 ~~STATE BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION~~
22 ~~SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

23 ~~(G) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN~~
24 ~~ACCORDANCE WITH THE MARYLAND RULES.~~

25 ~~(H) THE CITATION SHALL CONTAIN:~~

26 ~~(1) THE CERTIFICATION BY THE STATE BOARD ATTESTING TO~~
27 ~~THE TRUTH OF THE MATTER SET FORTH IN THE CITATION;~~

28 ~~(2) THE NAME AND ADDRESS OF THE PERSON CHARGED;~~

29 ~~(3) THE NATURE, TIME, AND PLACE OF THE VIOLATION;~~

30 ~~(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;~~

- 1 ~~(5) THE AMOUNT OF THE PENALTY ASSESSED;~~
- 2 ~~(6) THE MANNER, TIME, AND LOCATION TO PAY THE PENALTY;~~
- 3 ~~(7) A STATEMENT THAT THE PERSON RECEIVING THE CITATION~~
4 ~~HAS A RIGHT TO TRIAL IN THE DISTRICT COURT; AND~~
- 5 ~~(8) THE EFFECT OF FAILING TO PAY THE ASSESSED FINE OR OF~~
6 ~~FAILING TO DEMAND A TRIAL WITHIN THE PRESCRIBED TIME.~~
- 7 ~~(i) (1) A PERSON CHARGED IN A CITATION MAY ELECT TO STAND~~
8 ~~TRIAL FOR THE VIOLATION BY NOTIFYING THE STATE BOARD IN WRITING OF~~
9 ~~THE PERSON'S INTENT TO STAND TRIAL.~~
- 10 ~~(2) THE WRITTEN NOTICE SHALL BE GIVEN AT LEAST 5 DAYS~~
11 ~~BEFORE THE DATE OF PAYMENT AS SET FORTH IN THE CITATION.~~
- 12 ~~(j) (1) ON RECEIPT OF THE WRITTEN NOTICE OF INTENT TO STAND~~
13 ~~TRIAL, THE STATE BOARD SHALL FORWARD TO THE STATE PROSECUTOR A~~
14 ~~COPY OF THE CITATION AND THE WRITTEN NOTICE.~~
- 15 ~~(2) THE STATE PROSECUTOR SHALL FORWARD TO THE DISTRICT~~
16 ~~COURT HAVING VENUE A COPY OF THE CITATION AND THE WRITTEN NOTICE.~~
- 17 ~~(3) ON RECEIPT OF THE CITATION AND THE WRITTEN NOTICE:~~
- 18 ~~(i) THE STATE PROSECUTOR SHALL ASSUME~~
19 ~~RESPONSIBILITY FOR PROSECUTING THE VIOLATION; AND~~
- 20 ~~(ii) THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR~~
21 ~~TRIAL, NOTIFY THE DEFENDANT OF THE TRIAL DATE, AND SUMMON THE~~
22 ~~DEFENDANT TO APPEAR.~~
- 23 ~~(k) (1) IF A PERSON CHARGED IN A CITATION FAILS TO PAY THE~~
24 ~~PENALTY BY THE DATE OF PAYMENT SET FORTH IN THE CITATION AND FAILS TO~~
25 ~~DELIVER TO THE STATE BOARD THE WRITTEN NOTICE OF INTENT TO STAND~~
26 ~~TRIAL, THE PERSON IS LIABLE FOR THE ASSESSED PENALTY.~~
- 27 ~~(2) THE STATE BOARD MAY DOUBLE THE PENALTY TO AN~~
28 ~~AMOUNT NOT TO EXCEED \$1,000 AND REQUEST ADJUDICATION OF THE CASE~~
29 ~~THROUGH THE DISTRICT COURT BY FILING A DEMAND FOR JUDGMENT ON~~
30 ~~AFFIDAVIT.~~

1 ~~(L) THE DEFENDANT'S FAILURE TO RESPOND TO THE SUMMONS OF THE~~
2 ~~DISTRICT COURT SHALL RESULT IN THE ENTRY OF JUDGMENT AGAINST THE~~
3 ~~DEFENDANT IN FAVOR OF THE STATE BOARD IN THE AMOUNT SET FORTH IN~~
4 ~~THE CITATION IF A PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT HAS BEEN~~
5 ~~MADE.~~

6 ~~(M) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE~~
7 ~~COMMITTED A VIOLATION:~~

8 ~~(1) (i) THE DISTRICT COURT SHALL ORDER THE PERSON TO~~
9 ~~PAY THE PENALTY SET FORTH IN THE CITATION AND MAY DOUBLE THE AMOUNT~~
10 ~~OF THE PENALTY TO AN AMOUNT NOT TO EXCEED \$1,000;~~

11 ~~(ii) THE PENALTY IMPOSED SHALL CONSTITUTE A~~
12 ~~JUDGMENT IN FAVOR OF THE STATE BOARD; AND~~

13 ~~(iii) IF THE PENALTY REMAINS UNPAID FOR 30 DAYS~~
14 ~~FOLLOWING THE DATE OF ITS ENTRY, THE JUDGMENT SHALL BE ENFORCEABLE~~
15 ~~IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS~~
16 ~~FOR MONEY UNLESS THE COURT HAS SUSPENDED OR DEFERRED PAYMENT OF~~
17 ~~THE PENALTY AS PROVIDED IN ITEM (2) OF THIS SUBSECTION;~~

18 ~~(2) THE DISTRICT COURT MAY SUSPEND OR DEFER THE~~
19 ~~PAYMENT OF ANY PENALTY UNDER CONDITIONS THAT THE COURT SETS;~~

20 ~~(3) THE DEFENDANT SHALL BE LIABLE FOR THE COSTS OF THE~~
21 ~~PROCEEDINGS IN THE DISTRICT COURT; AND~~

22 ~~(4) THE DISTRICT COURT MAY ORDER THE PERSON TO ABATE~~
23 ~~THE VIOLATION.~~

24 ~~(N) IF A DEFENDANT FAILS TO PAY ANY PENALTY OR COST IMPOSED BY~~
25 ~~THE DISTRICT COURT WITHOUT GOOD CAUSE, THE DISTRICT COURT MAY~~
26 ~~PUNISH THE FAILURE AS CONTEMPT OF COURT.~~

27 ~~(O) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:~~

28 ~~(1) IS NOT A CRIMINAL CONVICTION; AND~~

29 ~~(2) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT~~
30 ~~ARISE FROM A CRIMINAL CONVICTION.~~

31 ~~(P) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION~~
32 ~~UNDER THIS SECTION:~~

1 ~~(1) THE STATE PROSECUTOR HAS THE BURDEN TO PROVE THAT~~
2 ~~THE DEFENDANT HAS COMMITTED THE VIOLATION BY CLEAR AND CONVINCING~~
3 ~~EVIDENCE;~~

4 ~~(2) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY~~
5 ~~STANDARDS AS PROVIDED BY LAW OR RULE FOR THE TRIAL OF CIVIL CAUSES;~~

6 ~~(3) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT~~
7 ~~HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT~~
8 ~~THE DEFENDANT UNDERSTANDS THOSE CHARGES;~~

9 ~~(4) THE DEFENDANT MAY CROSS EXAMINE ALL WITNESSES WHO~~
10 ~~APPEAR AGAINST THE DEFENDANT, PRODUCE EVIDENCE OR WITNESSES IN THE~~
11 ~~DEFENDANT'S OWN BEHALF, OR TESTIFY IN THE DEFENDANT'S OWN BEHALF;~~

12 ~~(5) THE DEFENDANT SHALL BE ENTITLED TO BE REPRESENTED~~
13 ~~BY COUNSEL OF THE DEFENDANT'S OWN SELECTION AND AT THE DEFENDANT'S~~
14 ~~OWN EXPENSE;~~

15 ~~(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT~~
16 ~~GUILTY OF THE VIOLATION AS CHARGED; AND~~

17 ~~(7) THE VERDICT OF THE DISTRICT COURT SHALL BE GUILTY OF~~
18 ~~A VIOLATION OR NOT GUILTY OF A VIOLATION, OR THE DISTRICT COURT MAY,~~
19 ~~BEFORE RENDERING JUDGMENT, PLACE THE DEFENDANT ON PROBATION.~~

20 ~~(Q) THE STATE BOARD SHALL CONSIDER THE FOLLOWING IN~~
21 ~~DETERMINING THE AMOUNT OF A PENALTY UNDER THIS SECTION:~~

22 ~~(1) THE SEVERITY OF THE VIOLATION FOR WHICH THE PENALTY~~
23 ~~IS TO BE ASSESSED;~~

24 ~~(2) THE GOOD FAITH OF THE VIOLATOR; AND~~

25 ~~(3) ANY HISTORY OF PRIOR VIOLATIONS.~~

26 ~~(R) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE~~
27 ~~DISTRIBUTED TO THE GENERAL FUND OF THE STATE.~~

28 14-101.

29 (a) In this title the following words have the meanings indicated.

1 (b) “Applicable contribution” means a contribution **BY A PERSON OR**
 2 **ATTRIBUTED TO A PERSON** to a candidate[, or a series of such contributions, in a
 3 cumulative amount in excess of \$500] **FOR AN OFFICE OF A GOVERNMENTAL**
 4 **ENTITY WITH WHICH THE PERSON IS DOING PUBLIC BUSINESS.**

5 (c) “Business entity” includes a firm, corporation, trust, unincorporated
 6 association, or other organization, whether or not conducted for profit.

7 (d) “Candidate” includes an incumbent office holder.

8 ~~(e) “Contract” [includes a sale, purchase, lease, or other agreement] MEANS~~
 9 ~~A PROCUREMENT CONTRACT AS DEFINED IN § 11-101(N) OF THE STATE~~
 10 ~~FINANCE AND PROCUREMENT ARTICLE THAT IS AWARDED BY ANY~~
 11 ~~GOVERNMENTAL ENTITY.~~

12 **(E) (1) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM ENTERED**
 13 **INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN §**
 14 **11-101(M)(1) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

15 **(2) “CONTRACT” DOES NOT INCLUDE:**

16 **(I) A COLLECTIVE BARGAINING AGREEMENT WITH AN**
 17 **EMPLOYEE ORGANIZATION;**

18 **(II) AN AGREEMENT WITH A CONTRACTUAL EMPLOYEE, AS**
 19 **DEFINED IN § 1-101(D) OF THE STATE PERSONNEL AND PENSIONS ARTICLE;**

20 **(III) A MEDICAID, JUDICARE, OR SIMILAR REIMBURSEMENT**
 21 **CONTRACT FOR WHICH LAW SETS:**

22 **1. USER OR RECIPIENT ELIGIBILITY; AND**

23 **2. THE PRICE PAYABLE BY THE STATE; OR**

24 **(IV) A MEDICAID CONTRACT WITH A MANAGED CARE**
 25 **ORGANIZATION, AS DEFINED IN § 15-101(E) OF THE HEALTH – GENERAL**
 26 **ARTICLE AS TO WHICH REGULATIONS ADOPTED BY THE DEPARTMENT**
 27 **ESTABLISH:**

28 **1. RECIPIENT ELIGIBILITY;**

29 **2. MINIMUM QUALIFICATIONS FOR MANAGED CARE**
 30 **ORGANIZATIONS; AND**

1 **3. CRITERIA FOR ENROLLING RECIPIENTS IN**
 2 **MANAGED CARE ORGANIZATIONS.**

3 (f) (1) Subject to paragraph (2) of this subsection, “contribution” has the
 4 meaning stated in § 1–101 of this article.

5 (2) “Contribution” does not include:

6 (i) a bona fide gift by a spouse or relative within the third
 7 degree of consanguinity; or

8 (ii) an honorary membership in a social, service, or fraternal
 9 organization presented as a courtesy by the organization.

10 **(G) “DIRECTOR” MEANS A MEMBER OF THE BOARD OF DIRECTORS OF A**
 11 **BUSINESS ENTITY.**

12 **[(g)] (H) (1) “Doing public business” means making[, during any**
 13 **12–month period, one or more contracts] A SINGLE CONTRACT with [one or more**
 14 **governmental entities] A SINGLE GOVERNMENTAL ENTITY involving cumulative**
 15 **consideration of at least [\$100,000] \$200,000.**

16 (2) “Doing public business” does not include receiving a salary from a
 17 governmental entity.

18 **[(h)] (I) “Governmental entity” means:**

19 (1) the State, a county, a municipal corporation, or other political
 20 subdivision of the State; and

21 (2) a unit of the State, a county, a municipal corporation, or other
 22 political subdivision of the State.

23 **[(i)] (J) “Make a contribution” includes to cause a contribution to be made.**

24 **(K) “OFFICER” MEANS AN INDIVIDUAL WHO SERVES AS A BUSINESS**
 25 **ENTITY’S CHIEF EXECUTIVE OFFICER, PRESIDENT, VICE PRESIDENT,**
 26 **SECRETARY, TREASURER, CHIEF FINANCIAL OFFICER, MANAGING PARTNER,**
 27 **MANAGING MEMBER, OR PRINCIPAL, OR IN ANY OTHER FORMAL OR INFORMAL**
 28 **ROLE IN WHICH THE INDIVIDUAL EXERCISES SUBSTANTIAL INDEPENDENT**
 29 **RESPONSIBILITY FOR MANAGING THE AFFAIRS OF A BUSINESS ENTITY.**

30 14–102.

31 For purposes of this title, words and phrases defined under § 1–101 of this
 32 article shall be deemed, as the case may be, to include or apply to an individual who

1 seeks or holds elective office in a municipal corporation and a campaign fundraising
2 entity for that individual.

3 14–103.

4 A contribution to a campaign finance entity of a candidate shall be deemed to be
5 a contribution to the candidate for the purposes of this title.

6 14–104.

7 (a) A person doing public business shall file a statement with the State
8 Board as provided in this section.

9 (b) (1) When a contract is **[made] AWARDED** that causes a person to be
10 doing public business, an initial statement shall be filed[:

11 (i)] at that time, covering the preceding 24 months[, if the
12 person has made an applicable contribution within that period; or

13 (ii) if item (i) of this paragraph does not apply, but the person
14 subsequently makes an applicable contribution during a reporting period specified in
15 paragraph (2) of this subsection, as required by that paragraph].

16 (2) (i) A person **WHO FILES AN INITIAL STATEMENT UNDER**
17 **PARAGRAPH (1) OF THIS SUBSECTION** shall file a semi–annual statement in
18 accordance with this paragraph for each reporting period specified in subparagraph (ii)
19 of this paragraph **[in which the person has made an applicable contribution] if[:**

20 1.] performance remains uncompleted on **[any] THE**
21 contract that caused the person to be doing public business[; or

22 2. the person is doing public business].

23 (ii) 1. The statements required by subparagraph (i) of this
24 paragraph shall cover 6–month reporting periods ending on January 31 and July 31.

25 2. A statement required by subparagraph (i) of this
26 paragraph shall be filed within 5 days after the end of the applicable reporting period.

27 (c) (1) The statement required by this section shall be made under oath
28 and shall contain:

29 (i) the name of each candidate, **IF ANY**, to whom **[an applicable**
30 **contribution was] ONE OR MORE APPLICABLE CONTRIBUTIONS IN A CUMULATIVE**
31 **AMOUNT OF \$500 OR MORE WERE** made during the reporting period **[and, if not**
32 **previously reported, during the preceding reporting period];**

1 (ii) the office sought by each candidate named in item (i) of this
2 paragraph;

3 (iii) the amount of aggregate contributions made to each
4 candidate named in item (i) of this paragraph;

5 (iv) the name of each unit of a governmental entity with which
6 the person did public business during the reporting period;

7 (v) the nature and amount of public business done with each
8 unit of a governmental entity; and

9 (vi) if the public business was done or the contribution was made
10 by another person but is attributed to the person filing the statement, the name of the
11 person who did the public business or made the contribution and the relationship of
12 that person to the person filing the statement.

13 (2) The information required by paragraph (1)(iv) and (v) of this
14 subsection may be omitted on the written approval of the [Attorney General] **STATE**
15 **BOARD** if the [Attorney General] **STATE BOARD** finds that:

16 (i) requiring the information would be unduly burdensome;

17 (ii) the public interest would not be impaired substantially by
18 the omission of this information; and

19 (iii) the person filing the statement stipulates that the person
20 has done public business during the reporting period.

21 (d) [(1)] The State Board shall retain each statement filed under this title
22 as a public record for at least 2 years after its receipt and shall make the statement
23 **PUBLICLY** available [for public examination and copying during normal office hours]
24 **ON THE INTERNET**.

25 [(2) The State Board may establish reasonable fees and administrative
26 procedures governing public examination and copying of the statements filed under
27 this section.]

28 [(e) The State Board shall prescribe and make available forms for the
29 statements required by this section.]

30 **(E) A PERSON SHALL FILE A STATEMENT REQUIRED UNDER THIS**
31 **SECTION IN AN ELECTRONIC FORMAT REQUIRED BY THE STATE BOARD.**

1 (a) Except as provided in subsection (f) of this section, an applicable
2 contribution made by an officer, director, or partner of a business entity doing public
3 business shall be attributed to the business entity.

4 (b) Except as provided in subsection (f) of this section, each officer, director,
5 or partner of a business entity doing public business who makes an applicable
6 contribution shall report the applicable contribution to the chief executive officer of the
7 business entity.

8 (c) [A] AN APPLICABLE contribution by an officer, director, partner,
9 employee, agent, or other person made at the suggestion or direction of a business
10 entity doing public business shall be attributed to the business entity.

11 (d) Each officer, director, partner, employee, agent, or other person who, at
12 the suggestion or direction of a business entity doing public business, makes an
13 applicable contribution shall report the applicable contribution to the chief executive
14 officer of the business entity.

15 (e) (1) Business done with a governmental entity by a subsidiary of a
16 business entity shall be attributed to the business entity if 30% or more of the equity
17 of the subsidiary is owned or controlled by the business entity.

18 (2) Applicable contributions made by or attributed to a subsidiary
19 described in paragraph (1) of this subsection shall be attributed to the business entity.

20 (f) (1) In this subsection:

21 (i) “officer” means an individual who serves as an
22 organization’s president or chairman, vice-president or vice-chairman, secretary,
23 treasurer, or executive director, or any individual exercising duties comparable to
24 those typically exercised by an individual holding one of those titles in a not-for-profit
25 organization; and

26 (ii) “officer” does not include an individual holding a title but
27 not exercising substantial independent responsibility on behalf of the organization
28 similar to the responsibility typically exercised by an individual holding one of the
29 titles under item (i) of this paragraph.

30 (2) Subject to paragraph (3) of this subsection, an applicable
31 contribution made by an individual who serves as a trustee or member of the board of
32 directors or as an officer of a not-for-profit organization doing public business is not
33 attributable to the organization, and the individual is not required to report the
34 applicable contribution to the chief executive officer of the organization.

35 (3) This subsection does not apply if:

1 (i) the applicable contribution is made on the recommendation
2 of the not-for-profit organization; or

3 (ii) the individual described in paragraph (2) of this subsection
4 is paid by the not-for-profit organization.

5 **(G) (1) A PERSON DOING PUBLIC BUSINESS SHALL MAINTAIN**
6 **DETAILED AND ACCURATE RECORDS OF:**

7 **(I) CONTRACTS MADE BY THE PERSON OR ATTRIBUTED TO**
8 **THE PERSON THAT CAUSE THE PERSON TO BE DOING PUBLIC BUSINESS; AND**

9 **(II) APPLICABLE CONTRIBUTIONS MADE BY THE PERSON OR**
10 **ATTRIBUTED TO THE PERSON.**

11 **(2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION**
12 **SHALL BE PRESERVED UNTIL THE EARLIER OF:**

13 **(I) 10 YEARS AFTER THE CREATION OF THE RECORD; OR**

14 **(II) 4 YEARS AFTER PERFORMANCE IS COMPLETED ON THE**
15 **CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC BUSINESS.**

16 14-106.

17 If a contract involves consideration to be paid over multiple reporting periods,
18 the total ascertainable consideration to be paid under the contract shall be
19 attributable to the date when the contract is made.

20 14-107.

21 **(A) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
22 **SUBSECTION, A GOVERNMENTAL ENTITY THAT HAS AWARDED A PERSON A**
23 **CONTRACT THAT CAUSES THE PERSON TO BE DOING PUBLIC BUSINESS SHALL**
24 **VERIFY:**

25 **(I) REQUIRE THE PERSON TO CERTIFY THAT THE PERSON**
26 **HAS FILED THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF THIS TITLE**
27 **BEFORE ALLOWING THE PERSON TO BEGIN PERFORMANCE OF THE CONTRACT;**
28 **AND**

29 **(2) ~~A GOVERNMENTAL ENTITY SHALL~~ (II) NOTIFY THE STATE**
30 **BOARD IF A PERSON DOING PUBLIC BUSINESS WITH THE GOVERNMENTAL**
31 **ENTITY FAILS TO FILE THE STATEMENT REQUIRED UNDER § 14-104(B)(1) OF**
32 **THIS TITLE.**

1 **(2) THIS SUBSECTION DOES NOT APPLY TO A CONTRACT FOR**
2 **WHICH NOTICE OF AWARD HAS BEEN POSTED ON eMARYLAND MARKETPLACE.**

3 **(B) (1) IF A PERSON FILES A STATEMENT UNDER § 14-104 OF THIS**
4 **TITLE THAT DOES NOT INCLUDE ALL THE INFORMATION REQUIRED, THE STATE**
5 **BOARD SHALL NOTIFY THE PERSON IN WRITING OF THE PARTICULAR**
6 **DEFICIENCIES.**

7 **(2) WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE UNDER**
8 **PARAGRAPH (1) OF THIS SUBSECTION, THE PERSON SHALL FILE AN AMENDED**
9 **STATEMENT THAT INCLUDES ALL THE INFORMATION REQUIRED.**

10 **(C) (1) AS PROVIDED IN THIS SUBSECTION, THE STATE BOARD MAY**
11 **IMPOSE FEES FOR LATE FILING OF:**

12 **(I) A STATEMENT REQUIRED UNDER § 14-104 OF THIS**
13 **TITLE; OR**

14 **(II) AN AMENDED STATEMENT REQUIRED UNDER**
15 **SUBSECTION (B) OF THIS SECTION.**

16 **(2) THE STATE BOARD MAY IMPOSE LATE FILING FEES IN THE**
17 **SAME AMOUNTS AND IN THE SAME MANNER AS PROVIDED UNDER § 13-331(A)**
18 **AND (B) OF THIS ARTICLE FOR LATE FILING OF CAMPAIGN FINANCE REPORTS.**

19 **(3) LATE FILING FEES IMPOSED UNDER THIS SUBSECTION SHALL**
20 **BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

21 **[(a)] (D) A person who knowingly and willfully violates this title is guilty of**
22 **a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or**
23 **imprisonment not exceeding 1 year or both.**

24 **[(b)] (E) An officer or partner of a business entity who knowingly authorizes**
25 **or participates in a violation of this title by the business entity is subject to the penalty**
26 **provided in subsection (a) of this section.**

27 14-108.

28 This title shall be liberally construed to require full disclosure.

29 14-109.

30 **THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
31 **TITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Courts and Judicial Proceedings**

4 5–106.

5 (f) A prosecution for the commission of or the attempt to commit a
6 misdemeanor constituting: (1) [except as provided in subsection (h) of this section, a
7 criminal offense under the State election laws; or (2)] a criminal offense under the
8 Maryland Public Ethics Law; or [(3)](2) criminal malfeasance, misfeasance, or
9 nonfeasance in office committed by an officer of the State, or of an agency of the State,
10 or of a political subdivision of the State, or of a bicounty or multicounty agency in the
11 State shall be instituted within 2 years after the offense was committed.

12 (h) A prosecution: **(1) FOR THE COMMISSION OF OR FOR THE ATTEMPT**
13 **TO COMMIT A MISDEMEANOR CONSTITUTING A CRIMINAL OFFENSE UNDER THE**
14 **STATE ELECTION LAWS; OR (2)** to impose a civil fine for an offense arising under §
15 13–604 of the Election Law Article shall be instituted within 3 years after the offense
16 was committed.

17 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article – Election Law**

20 1–101.

21 **(BB–1) “LEGISLATIVE PARTY CAUCUS COMMITTEE” MEANS A**
22 **POLITICAL COMMITTEE THAT IS ESTABLISHED TO PROMOTE THE ELECTION OF**
23 **CANDIDATES OF A SINGLE POLITICAL PARTY TO ONE OF THE TWO HOUSES OF**
24 **THE GENERAL ASSEMBLY.**

25 (ff) “Political action committee” means a political committee that is not:

26 (1) a political party;

27 (2) a central committee;

28 (3) a slate;

29 **(4) A LEGISLATIVE PARTY CAUCUS COMMITTEE;**

1 [(4)] (5) [a political committee organized and operated solely to
2 support or oppose a single candidate] AN AUTHORIZED CANDIDATE CAMPAIGN
3 COMMITTEE; or

4 [(5)] (6) [a political committee organized and operated solely to
5 support or oppose] a ballot issue COMMITTEE.

6 5–303.

7 (a) Except as provided in subsections (b) and (c) of this section:

8 (1) in the year in which the Governor is elected, a certificate of
9 candidacy shall be filed not later than 9 p.m. on the Wednesday [following the second
10 Tuesday in April in the year in] THAT IS 24 WEEKS BEFORE THE DAY ON which the
11 primary election will be held; and

12 (2) for any other regularly scheduled election, a certificate of
13 candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before
14 the day on which the primary election will be held.

15 (b) A certificate of candidacy for an office to be filled by a special election
16 under this article shall be received and filed in the office of the appropriate board not
17 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
18 special primary election specified by the Governor in the proclamation for the special
19 primary election.

20 (c) The certificate of candidacy for the election of a write-in candidate shall
21 be filed by the earlier of:

22 (1) 7 days after a total expenditure of at least \$51 is made to promote
23 the candidacy by a campaign finance entity of the candidate; or

24 (2) 5 p.m. on the Wednesday preceding the day of the election for
25 which the certificate is filed.

26 9–207.

27 (a) The State Board shall certify the content and arrangement of each ballot:

28 (1) for a primary election, no more than 11 days after the filing date
29 provided in § 5–303 of this article;

30 (2) for a general election[;

31 (i) in the year that the President of the United States is
32 electd], at least 55 days before the election[; and

1 (ii) in any other year, not more than 18 days after the primary
2 election];

3 (3) for a special primary election, at least 18 days before the election;
4 and

5 (4) for a special general election, not later than a date specified in the
6 Governor's proclamation.

7 13-202.

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

11 (b) An individual may not file a certificate of candidacy OR A DECLARATION
12 OF INTENT UNDER § 5-703 OR § 5-703.1 OF THIS ARTICLE until the individual
13 establishes, or causes to be established, an authorized [political] CANDIDATE
14 CAMPAIGN committee.

15 13-208.1.

16 (A) EACH POLITICAL PARTY MAY ESTABLISH ONE LEGISLATIVE PARTY
17 CAUCUS COMMITTEE FOR EACH HOUSE OF THE GENERAL ASSEMBLY.

18 (B) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING THE
19 ESTABLISHMENT, STRUCTURE, AND OPERATION OF LEGISLATIVE PARTY
20 CAUCUS COMMITTEES.

21 13-220.1.

22 (A) EACH CENTRAL COMMITTEE OF A POLITICAL PARTY OR
23 LEGISLATIVE PARTY CAUCUS COMMITTEE MAY ESTABLISH ONE
24 ADMINISTRATIVE ACCOUNT.

25 (B) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT MAY BE
26 MADE ONLY FOR NONELECTORAL PURPOSES.

27 (C) A DONATION TO AN ADMINISTRATIVE ACCOUNT:

28 (1) MAY BE MADE ONLY IF THE DONOR IS AWARE THAT THE
29 DONATION WILL BE USED FOR NONELECTORAL PURPOSES AND CONSENTS TO
30 THAT USE BEFORE MAKING THE DONATION; AND

1 **(2) IS NOT SUBJECT TO § 13-226(B) OF THIS SUBTITLE.**

2 **(D) A CAMPAIGN FINANCE ENTITY MAY NOT MAKE A TRANSFER TO AN**
3 **ADMINISTRATIVE ACCOUNT.**

4 **(E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:**

5 **(1) DEFINE PERMISSIBLE NONELECTORAL DISBURSEMENTS**
6 **FROM AN ADMINISTRATIVE ACCOUNT; AND**

7 **(2) REQUIRE DISCLOSURE OF:**

8 **(I) DONATIONS TO AN ADMINISTRATIVE ACCOUNT; AND**

9 **(II) DISBURSEMENTS FROM AN ADMINISTRATIVE ACCOUNT.**

10 13-234.

11 **(a) A contribution of money may be made only by:**

12 **(1) check;**

13 **(2) credit card;**

14 **(3) cash, if the contribution does not exceed \$100 IN AN ELECTION**
15 **CYCLE; or**

16 **(4) an electronic method that the State Board authorizes by**
17 **regulation.**

18 **(b) An electronic method of making a contribution that the State Board**
19 **authorizes under this section shall ensure that:**

20 **(1) the identity of the person making the contribution may be verified;**

21 **(2) the transaction is secure; and**

22 **(3) there is an adequate record of the transaction.**

23 13-235.

24 **(a) This section applies to the following officials:**

25 **(1) the Governor;**

26 **(2) the Lieutenant Governor;**

1 (3) the Attorney General;

2 (4) the Comptroller; and

3 (5) a member of the General Assembly.

4 (b) Except as provided in subsection (c) [or], (d), OR (E) of this section,
5 during a regular session of the General Assembly an official described in subsection (a)
6 of this section, or a person acting on behalf of the official, may not, as to a candidate
7 for federal, State, or local office, or a campaign finance entity of the candidate or any
8 other campaign finance entity organized under this title and operated in coordination
9 with a candidate:

10 (1) receive a contribution;

11 (2) conduct a fund-raising event;

12 (3) solicit or sell a ticket to a fund-raising event; or

13 (4) deposit or use any contribution of money that was not deposited
14 prior to the session.

15 (c) An official described in subsection (a) of this section, or a person acting on
16 behalf of the official, is not subject to this section when engaged in activities solely
17 related to the official's election to an elective federal or local office for which the official
18 is a filed candidate.

19 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of
20 the election only, may accept eligible private contributions and any disbursement of
21 funds by the State Board that is based on the eligible private contributions.

22 **(E) AN OFFICIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, OR**
23 **A PERSON ACTING ON BEHALF OF THE OFFICIAL, MAY DEPOSIT A**
24 **CONTRIBUTION DURING THE LEGISLATIVE SESSION IF THE CONTRIBUTION WAS**
25 **MADE ELECTRONICALLY BEFORE THE START OF THE SESSION.**

26 **[(e)] (F)** (1) As to a violation of this section, the campaign finance entity
27 of the official in violation is liable for a civil penalty as provided in this subsection.

28 (2) The State Board, represented by the State Prosecutor, may
29 institute a civil action in the circuit court for any county seeking the civil penalty
30 provided in this subsection.

31 (3) A campaign finance entity that receives a contribution as a result
32 of the violation shall:

- 1 (i) refund the contribution to the contributor; and
2 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
3 amount of the contribution.

4 13-309.

5 (a) Subject to other provisions of this subtitle **AND EXCEPT AS PROVIDED**
6 **IN SUBSECTION (D) OF THIS SECTION**, a campaign finance entity shall file campaign
7 finance reports as follows:

8 (1) except for a ballot issue committee, on or before the fourth Tuesday
9 immediately preceding each primary election [except a presidential primary election];

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

12 **(3) ON OR BEFORE THE LAST TUESDAY IN AUGUST IMMEDIATELY**
13 **PRECEDING A GENERAL ELECTION;**

14 ~~[(3)]~~ **(4)** for a ballot issue committee only, on or before the fourth
15 Friday immediately preceding a general election;

16 ~~[(4)]~~ **(5)** on or before the second Friday immediately preceding a
17 general election; and

18 ~~[(5)]~~ **(6)** on or before the third Tuesday after a general election.

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

22 (2) In addition to the campaign finance reports required under
23 subsection (a) of this section, but subject to paragraph (4) of this subsection, a
24 campaign finance entity shall file A campaign finance [reports] **REPORT** on the third
25 Wednesday in January.

26 (3) (i) If subsequent to the filing of its declaration under §
27 13-208(c)(3) of this title, a campaign finance entity participates in an election in which
28 it was not designated to participate, the campaign finance entity shall file all
29 campaign **FINANCE** reports prescribed under subsection (a) of this section for that
30 election.

31 (ii) A violation of subparagraph (i) of this paragraph constitutes
32 a failure to file by the campaign finance entity, and the responsible officer is guilty of a

1 misdemeanor and on conviction is subject to the penalties prescribed under Part VII of
2 this subtitle.

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

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

10 (D) AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OF A
11 CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL
12 PARTY:

13 (1) SHALL FILE A CAMPAIGN FINANCE REPORT ON OR BEFORE
14 THE THIRD TUESDAY AFTER A GUBERNATORIAL PRIMARY ELECTION; AND

15 (2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION
16 AND § 13-310 OF THIS SUBTITLE, IS NOT REQUIRED TO FILE ANY OTHER
17 CAMPAIGN FINANCE REPORTS.

18 13-604.1.

19 (A) IN THIS SECTION, “PERSON” INCLUDES A POLITICAL COMMITTEE.

20 (B) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN ACCORDANCE
21 WITH THIS SECTION FOR THE FOLLOWING VIOLATIONS:

22 (1) MAKING A DISBURSEMENT IN A MANNER NOT AUTHORIZED IN
23 § 13-218(B)(2), (C), AND (D) OF THIS TITLE;

24 (2) FAILURE TO MAINTAIN A CAMPAIGN BANK ACCOUNT AS
25 REQUIRED IN § 13-220(A) OF THIS TITLE;

26 (3) MAKING A DISBURSEMENT BY A METHOD NOT AUTHORIZED IN
27 § 13-220(D) OF THIS TITLE;

28 (4) FAILURE TO MAINTAIN DETAILED AND ACCURATE ACCOUNT
29 BOOKS AND RECORDS AS REQUIRED IN § 13-221 OF THIS TITLE;

30 (5) FAILURE TO REPORT ALL CONTRIBUTIONS RECEIVED AND
31 EXPENDITURES MADE AS REQUIRED IN § 13-304(B) OF THIS TITLE;

1 **(6) FAILURE TO INCLUDE AN AUTHORITY LINE ON CAMPAIGN**
2 **MATERIAL AS REQUIRED IN § 13-401 OF THIS TITLE; OR**

3 **(7) FAILURE TO RETAIN A COPY OF CAMPAIGN MATERIAL AS**
4 **REQUIRED IN § 13-403 OF THIS TITLE.**

5 **(C) A CIVIL PENALTY IMPOSED UNDER THIS SECTION FOR A VIOLATION**
6 **SPECIFIED IN SUBSECTION (B) OF THIS SECTION IS IN ADDITION TO ANY OTHER**
7 **SANCTION PROVIDED BY LAW.**

8 **(D) THE AMOUNT OF A CIVIL PENALTY IMPOSED UNDER THIS SECTION**
9 **MAY NOT EXCEED \$500 FOR EACH VIOLATION.**

10 **(E) THE CIVIL PENALTY IS PAYABLE TO THE STATE BOARD BY THE**
11 **PERSON CHARGED IN A CITATION WITHIN 20 CALENDAR DAYS AFTER SERVICE**
12 **OF THE CITATION.**

13 **(F) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
14 **A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE**
15 **CAMPAIGN FINANCE ENTITY.**

16 **(2) IF THE CAMPAIGN FINANCE ENTITY HAS INSUFFICIENT FUNDS**
17 **WITH WHICH TO PAY THE FULL AMOUNT OF THE CIVIL PENALTY IN A TIMELY**
18 **MANNER, AFTER THE CAMPAIGN ACCOUNT OF THE FINANCE ENTITY IS**
19 **EXHAUSTED THE BALANCE OF THE CIVIL PENALTY IS THE JOINT AND SEVERAL**
20 **LIABILITY OF THE RESPONSIBLE OFFICERS.**

21 **(3) IF A VIOLATION IS COMMITTED BY A PERSON NOT ACTING ON**
22 **BEHALF OF, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE OR A**
23 **CAMPAIGN FINANCE ENTITY, THE CIVIL PENALTY SHALL BE PAID BY THE**
24 **PERSON WHO COMMITTED THE VIOLATION.**

25 **(G) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE**
26 **STATE BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION**
27 **SPECIFIED IN SUBSECTION (B) OF THIS SECTION.**

28 **(H) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN**
29 **ACCORDANCE WITH THE MARYLAND RULES.**

30 **(I) THE CITATION SHALL CONTAIN:**

31 **(1) THE CERTIFICATION BY THE STATE BOARD ATTESTING TO**
32 **THE TRUTH OF THE MATTER SET FORTH IN THE CITATION;**

1 **(2) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

2 **(3) THE NATURE, TIME, AND PLACE OF THE VIOLATION;**

3 **(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;**

4 **(5) THE AMOUNT OF THE PENALTY ASSESSED;**

5 **(6) THE MANNER, TIME, AND LOCATION TO PAY THE PENALTY;**

6 **(7) A STATEMENT THAT THE PERSON RECEIVING THE CITATION**
7 **HAS A RIGHT TO TRIAL IN THE DISTRICT COURT; AND**

8 **(8) THE EFFECT OF FAILING TO PAY THE ASSESSED FINE OR OF**
9 **FAILING TO DEMAND A TRIAL WITHIN THE PRESCRIBED TIME.**

10 **(J) (1) A PERSON CHARGED IN A CITATION MAY ELECT TO STAND**
11 **TRIAL FOR THE VIOLATION BY NOTIFYING THE STATE BOARD IN WRITING OF**
12 **THE PERSON'S INTENT TO STAND TRIAL.**

13 **(2) THE WRITTEN NOTICE SHALL BE GIVEN AT LEAST 5 DAYS**
14 **BEFORE THE DATE OF PAYMENT AS SET FORTH IN THE CITATION.**

15 **(K) (1) ON RECEIPT OF THE WRITTEN NOTICE OF INTENT TO STAND**
16 **TRIAL, THE STATE BOARD SHALL FORWARD TO THE STATE PROSECUTOR A**
17 **COPY OF THE CITATION AND THE WRITTEN NOTICE.**

18 **(2) THE STATE PROSECUTOR SHALL FORWARD TO THE DISTRICT**
19 **COURT HAVING VENUE A COPY OF THE CITATION AND THE WRITTEN NOTICE.**

20 **(3) ON RECEIPT OF THE CITATION AND THE WRITTEN NOTICE:**

21 **(I) THE STATE PROSECUTOR SHALL ASSUME**
22 **RESPONSIBILITY FOR PROSECUTING THE VIOLATION; AND**

23 **(II) THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR**
24 **TRIAL, NOTIFY THE DEFENDANT OF THE TRIAL DATE, AND SUMMON THE**
25 **DEFENDANT TO APPEAR.**

26 **(L) (1) IF A PERSON CHARGED IN A CITATION FAILS TO PAY THE**
27 **PENALTY BY THE DATE OF PAYMENT SET FORTH IN THE CITATION AND FAILS TO**
28 **DELIVER TO THE STATE BOARD THE WRITTEN NOTICE OF INTENT TO STAND**
29 **TRIAL, THE PERSON IS LIABLE FOR THE ASSESSED PENALTY.**

1 **(2) THE STATE PROSECUTOR, ON BEHALF OF THE STATE BOARD,**
2 **MAY DOUBLE THE PENALTY TO AN AMOUNT NOT TO EXCEED \$1,000 AND**
3 **REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT BY**
4 **FILING A DEMAND FOR JUDGMENT ON AFFIDAVIT.**

5 **(M) THE DEFENDANT'S FAILURE TO RESPOND TO THE SUMMONS OF THE**
6 **DISTRICT COURT SHALL RESULT IN THE ENTRY OF JUDGMENT AGAINST THE**
7 **DEFENDANT IN FAVOR OF THE STATE BOARD IN THE AMOUNT SET FORTH IN**
8 **THE CITATION IF A PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT HAS BEEN**
9 **MADE.**

10 **(N) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE**
11 **COMMITTED A VIOLATION:**

12 **(1) (I) THE DISTRICT COURT SHALL ORDER THE PERSON TO**
13 **PAY THE PENALTY SET FORTH IN THE CITATION AND MAY DOUBLE THE AMOUNT**
14 **OF THE PENALTY TO AN AMOUNT NOT TO EXCEED \$1,000;**

15 **(II) THE PENALTY IMPOSED SHALL CONSTITUTE A**
16 **JUDGMENT IN FAVOR OF THE STATE BOARD; AND**

17 **(III) IF THE PENALTY REMAINS UNPAID FOR 30 DAYS**
18 **FOLLOWING THE DATE OF ITS ENTRY, THE JUDGMENT SHALL BE ENFORCEABLE**
19 **IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS**
20 **FOR MONEY UNLESS THE COURT HAS SUSPENDED OR DEFERRED PAYMENT OF**
21 **THE PENALTY AS PROVIDED IN ITEM (2) OF THIS SUBSECTION;**

22 **(2) THE DISTRICT COURT MAY SUSPEND OR DEFER THE**
23 **PAYMENT OF ANY PENALTY UNDER CONDITIONS THAT THE COURT SETS;**

24 **(3) THE DEFENDANT SHALL BE LIABLE FOR THE COSTS OF THE**
25 **PROCEEDINGS IN THE DISTRICT COURT; AND**

26 **(4) THE DISTRICT COURT MAY ORDER THE PERSON TO ABATE**
27 **THE VIOLATION.**

28 **(O) IF A DEFENDANT FAILS TO PAY ANY PENALTY OR COST IMPOSED BY**
29 **THE DISTRICT COURT WITHOUT GOOD CAUSE, THE DISTRICT COURT MAY**
30 **PUNISH THE FAILURE AS CONTEMPT OF COURT.**

31 **(P) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

32 **(1) IS NOT A CRIMINAL CONVICTION; AND**

1 **(2) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT**
2 **ARISE FROM A CRIMINAL CONVICTION.**

3 **(q) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION**
4 **UNDER THIS SECTION:**

5 **(1) THE STATE PROSECUTOR HAS THE BURDEN TO PROVE THAT**
6 **THE DEFENDANT HAS COMMITTED THE VIOLATION BY CLEAR AND CONVINCING**
7 **EVIDENCE;**

8 **(2) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY**
9 **STANDARDS AS PROVIDED BY LAW OR RULE FOR THE TRIAL OF CIVIL CAUSES;**

10 **(3) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT**
11 **HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT**
12 **THE DEFENDANT UNDERSTANDS THOSE CHARGES;**

13 **(4) THE DEFENDANT MAY CROSS-EXAMINE ALL WITNESSES WHO**
14 **APPEAR AGAINST THE DEFENDANT, PRODUCE EVIDENCE OR WITNESSES IN THE**
15 **DEFENDANT'S OWN BEHALF, OR TESTIFY IN THE DEFENDANT'S OWN BEHALF;**

16 **(5) THE DEFENDANT SHALL BE ENTITLED TO BE REPRESENTED**
17 **BY COUNSEL OF THE DEFENDANT'S OWN SELECTION AND AT THE DEFENDANT'S**
18 **OWN EXPENSE;**

19 **(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT**
20 **GUILTY OF THE VIOLATION AS CHARGED; AND**

21 **(7) THE VERDICT OF THE DISTRICT COURT SHALL BE GUILTY OF**
22 **A VIOLATION OR NOT GUILTY OF A VIOLATION, OR THE DISTRICT COURT MAY,**
23 **BEFORE RENDERING JUDGMENT, PLACE THE DEFENDANT ON PROBATION.**

24 **(r) THE STATE BOARD SHALL CONSIDER THE FOLLOWING IN**
25 **DETERMINING THE AMOUNT OF A PENALTY UNDER THIS SECTION:**

26 **(1) THE SEVERITY OF THE VIOLATION FOR WHICH THE PENALTY**
27 **IS TO BE ASSESSED;**

28 **(2) THE GOOD FAITH OF THE VIOLATOR; AND**

29 **(3) ANY HISTORY OF PRIOR VIOLATIONS.**

30 **(s) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE**
31 **DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
2 shall be construed to apply only prospectively to offenses committed on or after the
3 effective date of this Act and may not be applied or interpreted to have any effect on or
4 application to an offense committed before the effective date of this Act.

5 SECTION 5. AND BE IT FURTHER ENACTED, That if any provision of this
6 Act or the application thereof to any person or circumstance is held invalid for any
7 reason in a court of competent jurisdiction, the invalidity does not affect other
8 provisions or any other application of this Act which can be given effect without the
9 invalid provision or application, and for this purpose the provisions of this Act are
10 declared severable.

11 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 4 of
12 this Act shall take effect January 1, 2015.

13 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
14 Section 6 of this Act, this Act shall take effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.