

HOUSE BILL 775

G1

5lr2596

By: **Delegate Frick**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Inaugural Committees – ~~Required Disclosure of Donors and Donor Amounts~~**
3 **Donations and Disbursements – Disclosure**

4 FOR the purpose of ~~requiring an inaugural committee to provide a list of donors and donor~~
5 ~~amounts to any individual on request; and generally relating to inaugural~~
6 ~~committees~~ requiring that the inaugural festivities of the Governor and Lieutenant
7 Governor be financed with private donations only if the private donations are
8 received by an inaugural committee and disclosed by the inaugural committee;
9 requiring an inaugural committee to file a statement of organization with the State
10 Board of Elections before it may receive donations or make expenditures; requiring
11 the treasurer of an inaugural committee to maintain detailed and accurate records
12 of donations received and disbursements made by or on behalf of an inaugural
13 committee; requiring a person who makes an in-kind private donation to an
14 inaugural committee to report certain information to the treasurer; requiring an
15 inaugural committee to retain certain records for a certain period of time; requiring
16 an inaugural committee to deposit all donations received and make all
17 disbursements from a designated bank account; requiring an inaugural committee
18 to file a report with the State Board in a certain manner; requiring a report filed by
19 an inaugural committee to include certain information regarding donations to the
20 committee and disbursements by the committee; requiring an inaugural committee
21 to file reports on or before certain dates for certain reporting periods; requiring the
22 State Board to make reports filed by an inaugural committee publicly available on
23 the Internet; requiring the State Board to impose certain fees for the late filing of a
24 report or an amended report; providing for the amount, payment, use, and other
25 matters concerning late filing fees; prohibiting an inaugural committee from making

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.



certain disbursements; requiring an inaugural committee to terminate and file a final report by a certain date; requiring an inaugural committee to pay all outstanding obligations and dispose of all its remaining assets in a certain manner before filing a final report; and generally relating to disclosure of donations to an inaugural committee and disbursements by an inaugural committee.

BY adding to

Article – Election Law

Section 13–105

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

13–105.

~~AN INAUGURAL COMMITTEE SHALL PROVIDE A LIST OF DONORS AND DONOR AMOUNTS TO ANY INDIVIDUAL ON REQUEST.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DONATION” INCLUDES AN IN–KIND DONATION.

(3) “INAUGURAL COMMITTEE” MEANS AN ENTITY FORMED BY THE GOVERNOR AND LIEUTENANT GOVERNOR FOR THE EXCLUSIVE PURPOSE OF RECEIVING PRIVATE DONATIONS AND MAKING DISBURSEMENTS TO FINANCE THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

(4) “INAUGURAL FESTIVITIES” INCLUDES ANY CEREMONY, PARTY, RECEPTION, OR OTHER EVENT THAT IS ORGANIZED, APPROVED, OR AUTHORIZED BY THE GOVERNOR AND LIEUTENANT GOVERNOR TO CELEBRATE THE INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

(B) THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR MAY BE FINANCED WITH PRIVATE DONATIONS ONLY IF THE PRIVATE DONATIONS ARE:

(1) RECEIVED BY OR ON BEHALF OF AN INAUGURAL COMMITTEE; AND

(2) DISCLOSED BY THE INAUGURAL COMMITTEE IN ACCORDANCE WITH THIS SECTION.

1 (C) AN INAUGURAL COMMITTEE MAY NOT RECEIVE OR DISBURSE MONEY OR
2 ANY OTHER THING OF VALUE UNLESS THE INAUGURAL COMMITTEE FILES A
3 STATEMENT OF ORGANIZATION WITH THE STATE BOARD THAT INCLUDES:

4 (1) THE APPOINTMENT OF A TREASURER; AND

5 (2) ANY OTHER INFORMATION THAT THE STATE BOARD REQUIRES.

6 (D) (1) THE TREASURER SHALL MAINTAIN DETAILED AND ACCURATE
7 RECORDS OF ALL DONATIONS RECEIVED AND DISBURSEMENTS MADE BY OR ON
8 BEHALF OF THE INAUGURAL COMMITTEE.

9 (2) A PERSON WHO MAKES AN IN-KIND PRIVATE DONATION TO AN
10 INAUGURAL COMMITTEE SHALL PROVIDE TO THE TREASURER SUFFICIENTLY
11 DETAILED INFORMATION TO ALLOW THE TREASURER TO MAINTAIN AN ADEQUATE
12 RECORD OF THE DONATION.

13 (3) AN INAUGURAL COMMITTEE SHALL RETAIN THE RECORDS
14 REQUIRED TO BE KEPT UNDER THIS SUBSECTION FOR A PERIOD OF 2 YEARS AFTER
15 FILING A FINAL REPORT.

16 (E) AN INAUGURAL COMMITTEE SHALL:

17 (1) DEPOSIT ALL MONETARY DONATIONS RECEIVED IN A DESIGNATED
18 BANK ACCOUNT; AND

19 (2) MAKE ALL DISBURSEMENTS FROM THE DESIGNATED BANK
20 ACCOUNT.

21 (F) THE TREASURER OF AN INAUGURAL COMMITTEE SHALL FILE A REPORT
22 WITH THE STATE BOARD AS REQUIRED IN THIS SECTION:

23 (1) USING AN ELECTRONIC FORMAT;

24 (2) WITH THE ELECTRONIC SIGNATURE OF THE TREASURER AT THE
25 TIME OF FILING THE REPORT;

26 (3) UNDER OATH OR AFFIRMATION; AND

27 (4) SUBJECT TO THE PENALTIES FOR PERJURY.

28 (G) A REPORT FILED BY THE TREASURER OF AN INAUGURAL COMMITTEE
29 UNDER THIS SECTION SHALL INCLUDE THE INFORMATION REQUIRED BY THE STATE

1 BOARD WITH RESPECT TO ALL DONATIONS RECEIVED AND DISBURSEMENTS MADE
2 BY OR ON BEHALF OF THE INAUGURAL COMMITTEE DURING THE REPORTING
3 PERIOD.

4 (H) THE TREASURER OF AN INAUGURAL COMMITTEE SHALL FILE A REPORT
5 IN FULL AND ACCURATE DETAIL ON OR BEFORE:

6 (1) MARCH 7 OF THE INAUGURATION YEAR, FOR THE PERIOD FROM
7 THE DATE OF ORGANIZATION OF THE INAUGURAL COMMITTEE THROUGH THE
8 PRECEDING MARCH 1;

9 (2) JULY 7 OF THE INAUGURATION YEAR, FOR THE PERIOD FROM THE
10 CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE PRECEDING JULY 1;

11 (3) JANUARY 7 OF THE YEAR FOLLOWING THE INAUGURATION, FOR
12 THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE
13 PRECEDING JANUARY 1; AND

14 (4) JANUARY 7 OF EACH SUBSEQUENT YEAR, FOR THE PERIOD FROM
15 THE CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE PRECEDING JANUARY
16 1, UNTIL THE INAUGURAL COMMITTEE FILES A FINAL REPORT.

17 (I) THE STATE BOARD SHALL MAKE THE REPORTS SUBMITTED UNDER THIS
18 SECTION PUBLICLY AVAILABLE ON THE INTERNET.

19 (J) (1) THE STATE BOARD SHALL ASSESS A LATE FILING FEE FOR
20 FAILURE TO PROPERLY FILE A REPORT OR AMENDED REPORT UNDER THIS SECTION.

21 (2) THE FEE IS \$10 FOR EACH DAY OR PART OF A DAY THAT A REPORT
22 OR AMENDED REPORT IS OVERDUE.

23 (3) THE MAXIMUM FEE PAYABLE FOR A REPORT OR AMENDED
24 REPORT IS \$500.

25 (4) LATE FILING FEES UNDER THIS SUBSECTION SHALL BE PAID BY:

26 (I) THE INAUGURAL COMMITTEE; OR

27 (II) IF THE INAUGURAL COMMITTEE HAS INSUFFICIENT FUNDS
28 WITH WHICH TO PAY A LATE FILING FEE IN A TIMELY MANNER, THE TREASURER.

29 (5) LATE FILING FEES SHALL BE DISTRIBUTED TO THE FAIR
30 CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

1 **(6) IF THE TREASURER OF AN INAUGURAL COMMITTEE FAILS TO**
2 **PROVIDE ALL THE INFORMATION REQUIRED ON A REPORT UNDER THIS SECTION:**

3 **(I) THE STATE BOARD SHALL NOTIFY THE TREASURER IN**
4 **WRITING OF THE PARTICULAR DEFICIENCIES; AND**

5 **(II) THE TREASURER SHALL FILE AN AMENDED REPORT THAT**
6 **INCLUDES ALL OF THE INFORMATION REQUIRED WITHIN 30 DAYS AFTER SERVICE**
7 **OF THE NOTICE.**

8 **(7) (I) THE STATE BOARD SHALL ACCEPT AN OVERDUE REPORT**
9 **OR AMENDED REPORT THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING**
10 **FEE, BUT THE REPORT OR AMENDED REPORT IS NOT CONSIDERED FILED UNTIL THE**
11 **FEE HAS BEEN PAID.**

12 **(II) AFTER AN OVERDUE REPORT OR AMENDED REPORT IS**
13 **RECEIVED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NO FURTHER LATE**
14 **FILING FEE SHALL BE INCURRED.**

15 **(8) THE TREASURER OF AN INAUGURAL COMMITTEE THAT FAILS TO**
16 **PROPERLY FILE A REPORT OR AMENDED REPORT MAY SEEK RELIEF FROM A LATE**
17 **FILING FEE IMPOSED UNDER THIS SUBSECTION FOR JUST CAUSE AS PROVIDED IN §**
18 **13-337 OF THIS TITLE.**

19 **(K) AN INAUGURAL COMMITTEE MAY NOT MAKE:**

20 **(1) A CONTRIBUTION TO A POLITICAL COMMITTEE;**

21 **(2) AN INDEPENDENT EXPENDITURE;**

22 **(3) A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION AS**
23 **DEFINED IN § 13-307 OF THIS TITLE; OR**

24 **(4) A DISBURSEMENT FOR ANY PURPOSE OTHER THAN FINANCING**
25 **THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.**

26 **(L) AN INAUGURAL COMMITTEE SHALL TERMINATE AND FILE A FINAL**
27 **REPORT WITHIN 1 YEAR OF THE LATER OF:**

28 **(1) THE END OF THE GOVERNOR AND LIEUTENANT GOVERNOR'S**
29 **MOST RECENT TERM OF OFFICE; OR**

30 **(2) THE PAYMENT OF THE FINAL DEBT OR OTHER OBLIGATION OF THE**
31 **INAUGURAL COMMITTEE.**

1 **(M) BEFORE FILING A FINAL REPORT, AN INAUGURAL COMMITTEE SHALL**
2 **PAY ALL OUTSTANDING OBLIGATIONS AND DISPOSE OF ALL ITS REMAINING ASSETS**
3 **BY:**

4 **(1) RETURNING THE REMAINING BALANCE IN THE ACCOUNT OF THE**
5 **INAUGURAL COMMITTEE TO THE DONORS ON A PRO RATA BASIS; OR**

6 **(2) CONTRIBUTING THE REMAINING BALANCE IN THE ACCOUNT OF**
7 **THE INAUGURAL COMMITTEE TO:**

8 **(I) A CHARITABLE ORGANIZATION; OR**

9 **(II) THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED**
10 **UNDER § 15-103 OF THE ELECTION LAW ARTICLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.