

SB0973/945864/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 973
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute “Political Activity”; and strike beginning with “prohibiting” in line 4 down through “activities” in line 20 and substitute “prohibiting a secretary of a principal department of the Executive Branch of State government from soliciting, accepting, transmitting, or depositing in a campaign account contributions or donations for the benefit of a candidate or political party; prohibiting a secretary of a principal department of the Executive Branch of State government from being a candidate for a public elective office while serving as secretary; requiring a campaign finance entity or other entity that receives a contribution or donation as a result of a violation of this Act to refund the contribution or donation to the contributor or donor; authorizing the State Board of Elections to impose a civil penalty on a campaign finance entity or other entity that knowingly receives a contribution or donation as a result of a violation of this Act; requiring a civil penalty under this Act to be distributed to the Fair Campaign Financing Fund; providing that a secretary of a principal department of the Executive Branch of State government who violates this Act shall be considered to have violated a certain provision of the Maryland Public Ethics Law; defining certain terms; and generally relating to prohibiting departmental secretaries from engaging in certain political activities”.

On page 2, after line 2, insert:

“BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–506

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)”.

AMENDMENT NO. 2

(Over)

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Amendments to SB 973
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On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 20 on page 3, inclusive, and substitute:

“(3) “PRINCIPAL DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS ENUMERATED IN § 8-201(B) OF THE STATE GOVERNMENT ARTICLE.

(4) “SECRETARY” MEANS A SECRETARY OF A PRINCIPAL DEPARTMENT.

(5) “SOLICIT” INCLUDES:

(I) THE AUTHORIZED USE OF THE NAME, IMAGE, OR TITLE OF A SECRETARY IN CAMPAIGN MATERIAL; OR

(II) BEING A FEATURED SPEAKER AT A CAMPAIGN FUNDRAISING EVENT.

(B) A SECRETARY MAY NOT:

(1) SOLICIT, ACCEPT, TRANSMIT, OR DEPOSIT IN A CAMPAIGN ACCOUNT CONTRIBUTIONS OR DONATIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL PARTY; OR

(2) BE A CANDIDATE FOR A PUBLIC ELECTIVE OFFICE WHILE SERVING AS SECRETARY.

(C) THIS SECTION DOES NOT PROHIBIT A SECRETARY FROM:

(1) MAKING A PERSONAL POLITICAL CONTRIBUTION;

(2) INFORMING ANY PERSON OF A POSITION TAKEN BY A CANDIDATE OR OFFICIAL; OR

(3) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION.

(D) (1) A CAMPAIGN FINANCE ENTITY OR OTHER ENTITY THAT RECEIVES A CONTRIBUTION OR DONATION AS A RESULT OF A VIOLATION OF THIS SECTION:

(I) SHALL REFUND THE CONTRIBUTION OR DONATION TO THE CONTRIBUTOR OR DONOR; AND

(II) MAY BE ASSESSED A CIVIL PENALTY AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON A CAMPAIGN FINANCE ENTITY OR OTHER ENTITY THAT KNOWINGLY RECEIVES A CONTRIBUTION OR DONATION AS A RESULT OF A VIOLATION OF THIS SECTION:

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

(II) FOR EACH VIOLATION, IN AN AMOUNT NOT EXCEEDING THE SUM OF \$1,000 PLUS THE AMOUNT OF THE CONTRIBUTION OR DONATION.

(3) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

(Over)

Article – General Provisions

5–506.

(a) An official or employee may not intentionally use the prestige of office or public position for that official's or employee's private gain or that of another.

(b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

(C) A SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT WHO VIOLATES § 13–244 OF THE ELECTION LAW ARTICLE SHALL BE CONSIDERED TO HAVE VIOLATED SUBSECTION (A) OF THIS SECTION.