

# HOUSE BILL 755

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By: **Delegates Mosby, Ali, Conaway, Frush, Glenn, Gutierrez, Hettleman, Kelly, Korman, R. Lewis, Sanchez, Tarlau, and P. Young**

Introduced and read first time: February 1, 2018

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Campaign Finance – ~~Illegal Contributions~~ Contributions in Name of Another –**  
3 **Fair Campaign Financing Fund**

4 FOR the purpose of prohibiting a campaign finance entity that receives a contribution in  
5 violation of ~~certain provisions of law~~ a certain prohibition on contributions in the  
6 name of another person from using the contribution; requiring the campaign finance  
7 entity to remit the illegal contribution to the Fair Campaign Financing Fund;  
8 requiring the Comptroller to credit ~~an~~ the illegal contribution to the Fund; providing  
9 for a delayed effective date; and generally relating to illegal campaign contributions  
10 made in the name of another.

11 ~~BY repealing and reenacting, with amendments,~~  
12 ~~Article – Election Law~~  
13 ~~Section 13-239 and 15-103(e)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2017 Replacement Volume and 2017 Supplement)~~

16 ~~BY repealing and reenacting, without amendments,~~  
17 ~~Article – Election Law~~  
18 ~~Section 15-103(a) and (b)~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2017 Replacement Volume and 2017 Supplement)~~

21 BY adding to

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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 Article – Election Law  
 2 Section 13–239.1  
 3 Annotated Code of Maryland  
 4 (2017 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – Election Law  
 7 Section 13–602(a)(5), (b), and (c) and 15–103(a) and (b)  
 8 Annotated Code of Maryland  
 9 (2017 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – Election Law  
 12 Section 15–103(c)  
 13 Annotated Code of Maryland  
 14 (2017 Replacement Volume and 2017 Supplement)

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

17 **Article – Election Law**

18 ~~13–239.~~

19 ~~[Except] IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION IN~~  
 20 ~~VIOLATION OF THIS ARTICLE, OR, EXCEPT as provided in § 13–240 of this subtitle, if a~~  
 21 ~~campaign finance entity receives a contribution from an anonymous source, the campaign~~  
 22 ~~finance entity:~~

23 ~~(1) may not use the contribution for any purpose; and~~

24 ~~(2) shall remit the contribution to the Fair Campaign Financing Fund~~  
 25 ~~established under § 15–103 of this article.~~

26 ~~15–103.~~

27 ~~(a) There is a Fair Campaign Financing Fund.~~

28 ~~(b) The Comptroller shall administer the Fund in accordance with this section.~~

29 ~~(c) In accordance with this title, the Comptroller shall:~~

30 ~~(1) credit to the Fund;~~

31 ~~(i) all money collected under this title;~~

~~(ii) voluntary contributions to the Fund made electronically through the State Board's Web site;~~

~~(iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;~~

~~(iv) an anonymous OR ILLEGAL contribution paid to the Fund under § 13-239 of this article;~~

~~(v) surplus campaign funds paid to the Fund under § 13-247 of this article; and~~

~~(vi) contributions to the Fund made through the checkoff on the individual income tax return established under § 2-113.1 of the Tax General Article;~~

~~(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and~~

~~(3) make distributions from the Fund promptly on authorization by the State Board.~~

**13-239.1.**

**IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION AS A RESULT OF A VIOLATION OF § 13-602(A)(5) OF THIS TITLE FOR WHICH THE CONTRIBUTOR HAS BEEN CONVICTED, THE CAMPAIGN FINANCE ENTITY:**

**(1) MAY NOT USE THE CONTRIBUTION FOR ANY PURPOSE; AND**

**(2) SHALL REMIT THE CONTRIBUTION TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

**13-602.**

**(a) (5) A person may not directly or indirectly pay or promise to pay a campaign finance entity in a name other than the person's name.**

**(b) A person who violates this section is guilty of a misdemeanor and on conviction is:**

**(1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both; and**

**(2) ineligible to hold any public or party office for 4 years after the date of the offense.**

1           (c)    (1)   The State Prosecutor may prosecute, in any jurisdiction of the State, a  
2 person that the State Prosecutor believes to be guilty of a willful violation of this section.

3                   (2)   A State's Attorney may prosecute a person that the State's Attorney  
4 believes to be guilty of a willful violation of this section in the county in which the State's  
5 Attorney serves.

6 15-103.

7           (a)    There is a Fair Campaign Financing Fund.

8           (b)    The Comptroller shall administer the Fund in accordance with this section.

9           (c)    In accordance with this title, the Comptroller shall:

10                   (1)   credit to the Fund:

11                           (i)   all money collected under this title;

12                           (ii)   voluntary contributions to the Fund made electronically through  
13 the State Board's Web site;

14                           (iii)   fees, fines, and penalties assessed under this article or the  
15 General Provisions Article that are expressly allocated to the Fund by law;

16                           (iv)   an anonymous contribution paid to the Fund under § 13-239 of  
17 this article;

18                           (v)    AN ILLEGAL CONTRIBUTION PAID TO THE FUND UNDER §  
19 13-239.1 OF THIS ARTICLE;

20                           [(v)] (vi)   surplus campaign funds paid to the Fund under § 13-247  
21 of this article; and

22                           [(vi)] (vii)   contributions to the Fund made through the checkoff on  
23 the individual income tax return established under § 2-113.1 of the Tax – General Article;

24                           (2)    subject to the usual investing procedures for State funds, invest the  
25 money in the Fund; and

26                           (3)    make distributions from the Fund promptly on authorization by the  
27 State Board.

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 January 1, 2019.