

HOUSE BILL 993

G2, G1

9lr2520
CF SB 710

By: **Anne Arundel County Delegation (By Request – County Executive)**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Ethics – Prohibitions and Requirements Regarding**
3 **Qualifying Contributions During Pendency of Zoning Applications**

4 FOR the purpose of prohibiting applicants, agent of applicants, and immediate family
5 members of the applicants and agents from making a certain qualifying payment to
6 a certain candidate during the pendency of the application; prohibiting a certain
7 political action committee from making a transfer to a candidate's authorized
8 candidate campaign committee or a slate to which the candidate belongs; prohibiting
9 a member from voting or participating in any way in the proceeding on an application
10 under certain circumstances; providing that a member is not subject to the
11 requirements of certain provisions of this Act under certain circumstances; requiring
12 the applicant to file a certain affidavit under oath after the application is filed;
13 requiring that the affidavit be filed at least a certain number of days before
14 consideration of the application by the County Council of Anne Arundel County;
15 requiring that a supplemental affidavit be filed whenever a qualifying contribution
16 is made after the original affidavit was filed; providing that an applicant is not
17 required to make certain representations in the affidavit; authorizing anyone with
18 authority to act on behalf of and bind a business entity to execute an affidavit on
19 behalf of the business entity; providing that the only disclosures required under the
20 affidavit are those involving certain individuals or business entities; requiring an
21 agent to file an affidavit in an application only under certain circumstances;
22 requiring an agent, under certain circumstances, to disclose in the affidavit a
23 qualifying contribution made before becoming an agent; providing that, except under
24 certain circumstances, certain persons are subject to this Act under certain
25 circumstances; prohibiting a person from making a qualifying contribution in
26 violation of this Act; requiring a qualifying contribution to be returned to the person
27 who made the qualifying contribution if the qualifying contribution is made in
28 violation of this Act; prohibiting applicants, agents, and immediate family members
29 of the applicants and agents from taking any action, directly or indirectly, with the
30 intent to circumvent the intent of this Act; requiring the Anne Arundel County
31 Ethics Commission to administer and implement the provisions of this Act; defining

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain terms; providing for the application of this Act; making the provisions of this
2 Act severable; and generally relating to ethics in Anne Arundel County.

3 BY repealing and reenacting, without amendments,
4 Article – Election Law
5 Section 1–101(a), (c), (o), (ff), (oo), and (tt) and 13–306(a)(1) and (2)
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 5–104(a)
11 Annotated Code of Maryland
12 (2014 Volume and 2018 Supplement)

13 BY adding to
14 Article – General Provisions
15 Section 5–869 through 5–871 to be under the new part “Part XI. Special Provisions
16 for Anne Arundel County”
17 Annotated Code of Maryland
18 (2014 Volume and 2018 Supplement)

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

21 **Article – Election Law**

22 1–101.

23 (a) In this article the following words have the meanings indicated unless a
24 different meaning is clearly intended from the context.

25 (c) “Authorized candidate campaign committee” means a political committee
26 established under Title 13 of this article and authorized by a candidate to promote the
27 candidate’s candidacy.

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

32 (2) “Contribution” includes:

33 (i) proceeds from the sale of tickets to a campaign fund-raising
34 event; and

35 (ii) a coordinated expenditure as defined in § 13–249 of this article.

1 (3) “Contribution” does not include the costs associated with the
2 establishment, administration, or solicitation of voluntary contributions to a political action
3 committee established by a corporation, limited liability company, general partnership,
4 limited partnership, membership organization, trade association, cooperative, or
5 corporation without capital stock as long as the political action committee only solicits
6 contributions from employees of the organization that established the political action
7 committee, or members of the organization that established the political action committee,
8 and the employees or members are participating in a payroll deduction program established
9 by the employer of the employee or member.

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

11 (1) a political party;

12 (2) a central committee;

13 (3) a slate;

14 (4) a legislative party caucus committee;

15 (5) an authorized candidate campaign committee; or

16 (6) a ballot issue committee.

17 (oo) “Slate” means a political committee of two or more candidates who join
18 together to conduct and pay for joint campaign activities.

19 (tt) “Treasurer” means an individual appointed in accordance with Title 13,
20 Subtitle 2 of this article.

21 13–306.

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

23 (2) (i) “Donation” means the gift or transfer, or promise of gift or
24 transfer, of money or other thing of value to a person who makes independent expenditures.

25 (ii) “Donation” does not include any amount of money or any other
26 thing of value:

27 1. received by a person in the ordinary course of any trade or
28 business conducted by the person, whether for profit or not for profit, or in the form of
29 investments in the person’s business; or

30 2. A. that the donor and the person receiving the money
31 or thing of value expressly agree in writing may not be used for independent expenditures;

1 and

2 B. in the case of a monetary donation, is deposited in a
3 separate bank account that is never used for independent expenditures.

4 **Article – General Provisions**

5 5–104.

6 (a) Except as provided in subsections (b) and (c) of this section **AND IN SECTION**
7 **§ 5–871 OF THIS TITLE**, this title shall be administered and implemented by the Ethics
8 Commission.

9 **5–867. RESERVED.**

10 **5–868. RESERVED.**

11 **PART XI. SPECIAL PROVISIONS FOR ANNE ARUNDEL COUNTY.**

12 **5–869.**

13 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(B) (1) “AGENT” MEANS AN INDIVIDUAL OR A BUSINESS ENTITY HIRED OR**
16 **RETAINED BY AN APPLICANT FOR ANY PURPOSE RELATING TO THE LAND THAT IS**
17 **THE SUBJECT OF AN APPLICATION IF THE INDIVIDUAL OR BUSINESS ENTITY IS:**

18 **(I) AN ACCOUNTANT;**

19 **(II) AN ATTORNEY;**

20 **(III) AN ARCHITECT;**

21 **(IV) AN ENGINEER;**

22 **(V) A LAND USE CONSULTANT;**

23 **(VI) AN ECONOMIC CONSULTANT;**

24 **(VII) A REAL ESTATE AGENT;**

25 **(VIII) A REAL ESTATE BROKER;**

1 (IX) A TRAFFIC CONSULTANT; OR

2 (X) A TRAFFIC ENGINEER.

3 (2) "AGENT" INCLUDES:

4 (I) AS TO A CORPORATION DESCRIBED IN PARAGRAPH (1) OF
5 THIS SUBSECTION, ITS OFFICERS, DIRECTORS, AND MAJORITY STOCKHOLDERS WHO
6 ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND
7 DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR
8 ONGOING BUSINESS ACTIVITIES;

9 (II) AS TO A PARTNERSHIP OR LIMITED PARTNERSHIP
10 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS GENERAL PARTNERS AND
11 LIMITED PARTNERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING
12 SPECIFICALLY TO LAND DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR
13 PART OF THEIR ONGOING BUSINESS ACTIVITIES; AND

14 (III) AS TO A JOINT VENTURE DESCRIBED IN PARAGRAPH (1) OF
15 THIS SUBSECTION, THE PRINCIPAL MEMBERS OF THE JOINT VENTURE WHO ARE
16 ENGAGED IN SUBSTANTIVE ACTIVITIES RELATING SPECIFICALLY TO LAND
17 DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THEIR
18 ONGOING BUSINESS ACTIVITIES.

19 (C) (1) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY
20 THAT IS:

21 (I) A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT
22 IS THE SUBJECT OF AN APPLICATION;

23 (II) A TRUSTEE THAT HAS AN INTEREST IN LAND THAT IS THE
24 SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE
25 OR DEED OF TRUST; OR

26 (III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS
27 ENTITY THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION,
28 BUT ONLY IF:

29 1. THE HOLDER OF AT LEAST A 5% INTEREST HAS
30 SUBSTANTIVE INVOLVEMENT IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY
31 WITH AN INTEREST IN THE LAND THAT IS THE SUBJECT OF AN APPLICATION WITH
32 SPECIFIC REGARD TO THE DISPOSITION OF THAT LAND; OR

1 **2. THE HOLDER OF AT LEAST A 5% INTEREST IS**
2 **ENGAGED IN SUBSTANTIVE ACTIVITIES SPECIFICALLY PERTAINING TO LAND**
3 **DEVELOPMENT IN ANNE ARUNDEL COUNTY AS A REGULAR PART OF THE BUSINESS**
4 **ENTITY’S ONGOING BUSINESS ACTIVITIES.**

5 **(2) “APPLICANT” INCLUDES:**

6 **(I) ANY BUSINESS ENTITY IN WHICH A PERSON DESCRIBED IN**
7 **PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 5% INTEREST; AND**

8 **(II) THE DIRECTORS AND OFFICERS OF A BUSINESS ENTITY**
9 **THAT ACTUALLY HOLDS TITLE TO THE LAND OR IS A CONTRACT PURCHASER OF THE**
10 **LAND THAT IS THE SUBJECT OF AN APPLICATION.**

11 **(3) “APPLICANT” DOES NOT INCLUDE:**

12 **(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR**
13 **EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR CONSTRUCTION**
14 **OF IMPROVEMENTS ON ANY LAND THAT IS THE SUBJECT OF AN APPLICATION;**

15 **(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;**

16 **(III) A PUBLIC AUTHORITY;**

17 **(IV) A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE**
18 **COMMISSION IN ANY INSTANCE WHERE THE UTILITY IS ENGAGED IN OR**
19 **CONDUCTING REGULATED ACTIVITIES THAT HAVE BEEN APPROVED BY THE PUBLIC**
20 **SERVICE COMMISSION OR ARE ALLOWED UNDER DIVISION I OF THE PUBLIC**
21 **UTILITIES ARTICLE; OR**

22 **(V) THE DIRECTORS AND OFFICERS OF ANY ENTITY THAT DOES**
23 **NOT HOLD TITLE TO THE LAND OR IS NOT THE CONTRACT PURCHASER OF THE LAND**
24 **THAT IS THE SUBJECT OF AN APPLICATION.**

25 **(D) “APPLICATION” MEANS:**

26 **(1) AN APPLICATION OR A REQUEST FOR:**

27 **(I) A ZONING MAP AMENDMENT;**

28 **(II) A ZONING ORDINANCE TEXT AMENDMENT;**

29 **(III) A SPECIAL EXCEPTION;**

- 1 (IV) A MODIFICATION;
- 2 (V) A REVISION TO A SPECIAL EXCEPTION OR AN ASSOCIATED
- 3 SITE PLAN;
- 4 (VI) AN EXPANSION OF A LEGAL NONCONFORMING USE;
- 5 (VII) A REVISION TO A LEGAL NONCONFORMING USE OR AN
- 6 ASSOCIATED SITE PLAN; OR
- 7 (VIII) A REQUEST FOR A VARIANCE FROM THE ZONING
- 8 ORDINANCE, INCLUDING A REQUEST FOR A VARIANCE FROM ANY PROVISION OF
- 9 ANNE ARUNDEL COUNTY'S CRITICAL AREA PROGRAM;

10 (2) AN APPLICATION TO APPROVE:

- 11 (I) A SKETCH PLAN;
- 12 (II) A FINAL PLAN;
- 13 (III) A PRELIMINARY PLAN;
- 14 (IV) A SITE DEVELOPMENT PLAN;
- 15 (V) A GRADING PERMIT ASSOCIATED WITH A SITE
- 16 DEVELOPMENT PLAN;
- 17 (VI) A BUILDING PERMIT ASSOCIATED WITH A SITE
- 18 DEVELOPMENT PLAN; OR
- 19 (VII) A PLANNED UNIT DEVELOPMENT; OR

20 (3) PARTICIPATION IN PASSING COMPREHENSIVE REZONING

21 LEGISLATION OR AN AMENDMENT TO COMPREHENSIVE REZONING LEGISLATION BY

22 APPEARANCE AT A PUBLIC HEARING, FILING A STATEMENT IN THE OFFICIAL

23 RECORD, OR OTHER SIMILAR COMMUNICATION TO A MEMBER OF THE COUNTY

24 COUNCIL, WHERE THE INTENT IS TO INTENSIFY THE ZONING CATEGORY

25 APPLICABLE TO THE LAND OF THE APPLICANT.

26 (E) "AUTHORIZED CANDIDATE POLITICAL COMMITTEE" HAS THE MEANING

27 STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

1 (F) "BUSINESS ENTITY" MEANS:

2 (1) A CORPORATION;

3 (2) A GENERAL PARTNERSHIP;

4 (3) A JOINT VENTURE;

5 (4) A LIMITED LIABILITY COMPANY;

6 (5) A LIMITED PARTNERSHIP; OR

7 (6) A SOLE PROPRIETORSHIP.

8 (G) (1) "CANDIDATE" MEANS AN INDIVIDUAL WHO FILES A CERTIFICATE
9 OF CANDIDACY FOR:

10 (I) ELECTION TO THE COUNTY COUNCIL; OR

11 (II) COUNTY EXECUTIVE.

12 (2) "CANDIDATE" INCLUDES AN INCUMBENT MEMBER OR COUNTY
13 EXECUTIVE.

14 (H) "CONTRIBUTION" HAS THE MEANING STATED IN § 1-101 OF THE
15 ELECTION LAW ARTICLE.

16 (I) "CONTRIBUTOR" MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A
17 QUALIFYING CONTRIBUTION.

18 (J) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL OF ANNE ARUNDEL
19 COUNTY.

20 (K) "COUNTY EXECUTIVE" MEANS THE COUNTY EXECUTIVE OF ANNE
21 ARUNDEL COUNTY.

22 (L) "DONATION" HAS THE MEANING STATED IN § 13-306 OF THE ELECTION
23 LAW ARTICLE.

24 (M) "IMMEDIATE FAMILY MEMBER" MEANS:

25 (1) A SPOUSE;

- 1 **(2) A CHILD;**
- 2 **(3) A STEPCHILD;**
- 3 **(4) A PARENT;**
- 4 **(5) A SIBLING; OR**
- 5 **(6) A GRANDPARENT.**

6 **(N) “MEMBER” INCLUDES ANY CANDIDATE OR PERSON DULY ELECTED OR**
7 **APPOINTED WHO TAKES THE OATH OF OFFICE AS A MEMBER OF THE COUNTY**
8 **COUNCIL.**

9 **(O) (1) “PENDENCY OF THE APPLICATION” MEANS THE TIME BETWEEN**
10 **THE ACCEPTANCE OF A FILING OF AN APPLICATION BY THE APPROPRIATE AGENCY**
11 **AND EXPIRATION OF THE TIME UNDER WHICH AN APPEAL ON THE APPLICATION MAY**
12 **BE TAKEN.**

13 **(2) “PENDENCY OF THE APPLICATION” DOES NOT INCLUDE A PERIOD**
14 **DURING WHICH:**

15 **(I) ACTION ON THE APPLICATION IS UNDER JUDICIAL REVIEW;**
16 **OR**

17 **(II) JUDICIAL REVIEW MAY BE REQUESTED.**

18 **(P) “POLITICAL ACTION COMMITTEE” HAS THE MEANING STATED IN § 1–101**
19 **OF THE ELECTION LAW ARTICLE.**

20 **(Q) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION OR DONATION:**

21 **(1) BY A PERSON OR ATTRIBUTED TO A PERSON THAT IS TO OR FOR**
22 **THE BENEFIT OF A CANDIDATE, MEMBER, OR COUNTY EXECUTIVE; AND**

23 **(2) MADE ON OR AFTER APRIL 8, 2019.**

24 **(R) “SLATE” HAS THE MEANING STATED IN § 1–101 OF THE ELECTION LAW**
25 **ARTICLE.**

26 **(S) “TREASURER” HAS THE MEANING STATED IN § 1–101 OF THE ELECTION**
27 **LAW ARTICLE.**

1 **5-870.**

2 (A) (1) AN APPLICANT OR AGENT OF THE APPLICANT, OR AN IMMEDIATE
3 FAMILY MEMBER OF AN APPLICANT OR AGENT OF THE APPLICANT, MAY NOT MAKE
4 A QUALIFYING CONTRIBUTION TO A CANDIDATE DURING THE PENDENCY OF AN
5 APPLICATION.

6 (2) A POLITICAL ACTION COMMITTEE UNDER THE DIRECTION OR
7 CONTROL OF THE APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN
8 APPLICANT OR AGENT, MAY NOT MAKE A TRANSFER TO A CANDIDATE'S AUTHORIZED
9 CANDIDATE CAMPAIGN COMMITTEE OR A SLATE TO WHICH THE CANDIDATE
10 BELONGS.

11 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
12 AFTER AN APPLICATION HAS BEEN FILED, A MEMBER MAY NOT VOTE OR
13 PARTICIPATE IN ANY WAY IN THE PROCEEDING ON THE APPLICATION IF THE
14 MEMBER, DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE
15 APPLICATION, RECEIVED OR WAS THE BENEFICIARY OF A QUALIFYING
16 CONTRIBUTION DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE
17 APPLICATION OR DURING THE PENDENCY OF THE APPLICATION FROM ANY OF THE
18 APPLICANTS OR THE AGENTS OF THE APPLICANTS, OR THE IMMEDIATE FAMILY
19 MEMBERS OF ANY OF THE APPLICANTS OR AGENTS OF THE APPLICANTS.

20 (2) A MEMBER IS NOT SUBJECT TO THE REQUIREMENTS OF
21 PARAGRAPH (1) OF THIS SUBSECTION IF:

22 (I) 1. A TRANSFER TO THE MEMBER'S AUTHORIZED
23 CANDIDATE POLITICAL COMMITTEE OR A SLATE TO WHICH THE MEMBER BELONGS
24 OR BELONGED DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE
25 APPLICATION WAS MADE BY A POLITICAL ACTION COMMITTEE TO WHICH AN
26 APPLICANT OR AGENT, OR IMMEDIATE FAMILY MEMBER OF AN APPLICANT OR
27 AGENT, HAD MADE A CONTRIBUTION;

28 2. THE APPLICANT, AGENT, OR IMMEDIATE FAMILY
29 MEMBER MADE THE CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE
30 WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;

31 3. THE APPLICANT'S, AGENT'S, OR IMMEDIATE FAMILY
32 MEMBER'S CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE AND THE
33 POLITICAL ACTION COMMITTEE'S TRANSFER ARE DISCLOSED IN AN AFFIDAVIT; AND

34 4. THE TRANSFER IS RETURNED TO THE POLITICAL
35 ACTION COMMITTEE BY THE MEMBER, OR THE CONTRIBUTION IS RETURNED TO THE

1 APPLICANT, AGENT, OR IMMEDIATE FAMILY MEMBER BY THE POLITICAL ACTION
2 COMMITTEE WITHIN 10 DAYS OF THE APPLICATION BEING FILED; OR

3 (II) DURING THE 48-MONTH PERIOD BEFORE THE FILING OF
4 THE APPLICATION:

5 1. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY
6 MEMBER OF AN APPLICANT OR AGENT MADE A DONATION OR CONTRIBUTION FOR
7 THE BENEFIT OF A CANDIDATE TO:

8 A. A POLITICAL ACTION COMMITTEE REQUIRED TO FILE
9 A DISCLOSURE REPORT UNDER § 13-309.1 OF THE ELECTION LAW ARTICLE;

10 B. A PERSON REQUIRED TO FILE AN INDEPENDENT
11 EXPENDITURE REPORT UNDER § 13-306 OF THE ELECTION LAW ARTICLE; OR

12 C. A PERSON REQUIRED TO FILE AN ELECTIONEERING
13 COMMUNICATION REPORT UNDER § 13-307 OF THE ELECTION LAW ARTICLE;

14 2. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY
15 MEMBER OF AN APPLICANT OR AGENT MADE THE DONATION OR CONTRIBUTION TO
16 THE POLITICAL ACTION COMMITTEE OR PERSON WITHOUT ANY INTENT TO SUBVERT
17 THE PURPOSES OF THIS SUBTITLE;

18 3. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY
19 MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE DONATION OR
20 CONTRIBUTION TO THE POLITICAL ACTION COMMITTEE OR PERSON;

21 4. AN APPLICANT, AGENT, OR IMMEDIATE FAMILY
22 MEMBER OF AN APPLICANT OR AGENT DISCLOSED THE EXPENDITURES THAT
23 SUPPORT THE CANDIDATE IN AN AFFIDAVIT; AND

24 5. THE POLITICAL ACTION COMMITTEE OR PERSON
25 RETURNED THE DONATION OR CONTRIBUTION TO THE APPLICANT, AGENT, OR
26 IMMEDIATE FAMILY MEMBER WITHIN 10 DAYS OF THE APPLICATION BEING FILED.

27 (C) (1) AFTER AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN
28 AFFIDAVIT UNDER OATH:

29 (I) 1. STATING TO THE BEST OF THE APPLICANT'S
30 INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 48-MONTH PERIOD
31 BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE
32 APPLICATION, THE APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE

1 APPLICANT HAS NOT MADE ANY QUALIFYING CONTRIBUTION TO:

2 A. A MEMBER'S TREASURER;

3 B. A MEMBER'S AUTHORIZED CANDIDATE POLITICAL
4 COMMITTEE;

5 C. A SLATE TO WHICH THE MEMBER BELONGS OR
6 BELONGED DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE
7 APPLICATION; OR

8 D. A PERSON THAT MADE EXPENDITURES BENEFITING
9 THE MEMBER DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE
10 APPLICATION AND IS REQUIRED TO FILE A REPORT UNDER § 13-306 OR § 13-307 OF
11 THE ELECTION LAW ARTICLE;

12 2. DISCLOSING, IF A QUALIFYING CONTRIBUTION
13 SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF THE MEMBER TO
14 WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL COMMITTEE, SLATE TO
15 WHICH THE MEMBER BELONGS OR BELONGED DURING THE 48-MONTH PERIOD
16 BEFORE THE FILING OF THE APPLICATION, OR PERSON SPECIFIED UNDER ITEM 1D
17 OF THIS ITEM THE QUALIFYING CONTRIBUTION WAS MADE; AND

18 (II) 1. STATING THAT, BASED ON THE APPLICANT'S
19 PERSONAL KNOWLEDGE, DURING THE 48-MONTH PERIOD BEFORE THE FILING OF
20 THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE
21 APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE APPLICANT HAS NOT
22 SOLICITED ANY PERSON OR BUSINESS ENTITY TO MAKE A QUALIFYING
23 CONTRIBUTION TO A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE
24 POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED
25 DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR A
26 PERSON SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH; OR

27 2. DISCLOSING, IF A SOLICITED QUALIFYING
28 CONTRIBUTION SPECIFIED UNDER ITEM 1 OF THIS ITEM WAS MADE, THE NAME OF
29 THE MEMBER TO WHOSE TREASURER, AUTHORIZED CANDIDATE POLITICAL
30 COMMITTEE, SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE
31 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON
32 SPECIFIED UNDER ITEM (I)1D OF THIS PARAGRAPH THE QUALIFYING
33 CONTRIBUTION WAS MADE.

34 (2) THE AFFIDAVIT SHALL BE FILED AT LEAST 30 CALENDAR DAYS
35 BEFORE CONSIDERATION OF THE APPLICATION BY THE COUNTY COUNCIL.

1 **(3) A SUPPLEMENTAL AFFIDAVIT SHALL BE FILED WHENEVER A**
2 **QUALIFYING CONTRIBUTION IS MADE AFTER THE ORIGINAL AFFIDAVIT WAS FILED.**

3 **(4) (I) AN APPLICANT IS NOT REQUIRED TO MAKE ANY**
4 **REPRESENTATIONS IN THE AFFIDAVIT RELATING TO THE ACTIONS OF ANYONE**
5 **OTHER THAN THAT APPLICANT OR AN IMMEDIATE FAMILY MEMBER OF THE**
6 **APPLICANT.**

7 **(II) ANYONE WITH AUTHORITY TO ACT ON BEHALF OF AND BIND**
8 **A BUSINESS ENTITY MAY EXECUTE AN AFFIDAVIT ON BEHALF OF THE BUSINESS**
9 **ENTITY.**

10 **(5) THE ONLY DISCLOSURES REQUIRED UNDER THE AFFIDAVIT ARE**
11 **THOSE INVOLVING INDIVIDUALS OR BUSINESS ENTITIES THAT WOULD BE SUBJECT**
12 **TO THIS PART.**

13 **(D) (1) AN AGENT SHALL FILE AN AFFIDAVIT IN AN APPLICATION ONLY IF:**

14 **(I) THE AGENT HAS ACTED ON BEHALF OF THE APPLICANT**
15 **WITH REGARD TO THE SPECIFIC APPLICATION; AND**

16 **(II) DURING THE 48-MONTH PERIOD BEFORE THE FILING OF**
17 **THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION AND AFTER**
18 **BECOMING AN AGENT OF THE APPLICANT:**

19 **1. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF**
20 **THE AGENT HAS MADE A QUALIFYING CONTRIBUTION TO A MEMBER, A MEMBER'S**
21 **AUTHORIZED CANDIDATE POLITICAL COMMITTEE, A SLATE TO WHICH THE MEMBER**
22 **BELONGS OR BELONGED DURING THE 48-MONTH PERIOD BEFORE THE FILING OF**
23 **THE APPLICATION, OR PERSON SPECIFIED UNDER SUBSECTION (C)(I)1D OF THIS**
24 **SECTION; OR**

25 **2. THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF**
26 **THE AGENT HAS SOLICITED ANY PERSON TO MAKE A QUALIFYING CONTRIBUTION TO**
27 **A MEMBER'S TREASURER, A MEMBER'S AUTHORIZED CANDIDATE POLITICAL**
28 **COMMITTEE, A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE**
29 **48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, OR PERSON**
30 **SPECIFIED UNDER SUBSECTION (C)(I)1D OF THIS SECTION.**

31 **(2) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN**
32 **AGENT SHALL DISCLOSE IN THE AFFIDAVIT A QUALIFYING CONTRIBUTION MADE**
33 **BEFORE BECOMING AN AGENT IF THE AGENT OR AN IMMEDIATE FAMILY MEMBER OF**

1 THE AGENT:

2 (I) MADE THE QUALIFYING CONTRIBUTION BY
3 PREARRANGEMENT OR IN COORDINATION WITH ONE OR MORE APPLICANTS; OR

4 (II) ACTED AS AN AGENT AS TO ANY OTHER APPLICATION FILED
5 DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.

6 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
7 CONTRIBUTOR, MEMBER, OR POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS
8 PART IF A QUALIFYING CONTRIBUTION IS MADE BY THE CONTRIBUTOR OR A
9 TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:

10 (I) THE CANDIDATE;

11 (II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE; OR

12 (III) A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED
13 DURING THE 48-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.

14 (2) THIS PART DOES NOT APPLY TO:

15 (I) ANY TRANSFER TO THE AUTHORIZED CANDIDATE
16 POLITICAL COMMITTEE OF A MEMBER BY AN AUTHORIZED CANDIDATE POLITICAL
17 COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE OR SLATE;
18 OR

19 (II) A CONTRIBUTION OR TRANSFER TO THE ANNE ARUNDEL
20 COUNTY OR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY, EVEN IF THE
21 CENTRAL COMMITTEE SUPPORTS A CANDIDATE.

22 (3) (I) A PERSON MAY NOT MAKE A QUALIFYING CONTRIBUTION IN
23 VIOLATION OF THIS PART.

24 (II) IF A QUALIFYING CONTRIBUTION IS MADE IN VIOLATION OF
25 THIS PART, THE QUALIFYING CONTRIBUTION SHALL BE RETURNED TO THE PERSON
26 WHO MADE THE QUALIFYING CONTRIBUTION.

27 (F) AN APPLICANT OR AGENT OR IMMEDIATE FAMILY MEMBER OF THE
28 APPLICANT OR AGENT MAY NOT TAKE ANY ACTION, DIRECTLY OR INDIRECTLY, WITH
29 THE INTENT TO CIRCUMVENT THE INTENT OF THIS PART.

30 5-871.

1 **THE ANNE ARUNDEL COUNTY ETHICS COMMISSION SHALL ADMINISTER AND**
2 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply retroactively and shall be applied to and interpreted to affect qualifying contributions
5 made on or after April 8, 2019.

6 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
7 the application thereof to any person or circumstance is held invalid for any reason in a
8 court of competent jurisdiction, the invalidity does not affect other provisions or any other
9 application of this Act that can be given effect without the invalid provision or application,
10 and for this purpose the provisions of this Act are declared severable.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2019.