

SB0632/444531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 632

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “recount;” insert “providing that certain provisions of this Act apply only to persons that accept public campaign financing under certain provisions of law;”; in line 10, after “committee” insert “at any time”; and strike beginning with “establishing” in line 15 down through “limits;” in line 22 and substitute “prohibiting certain persons from soliciting or accepting donations on behalf of a contested election committee in excess of certain contribution limits;”.

On page 2, in line 23, after “penalties;” insert “requiring that certain unspent public contributions be repaid to a certain government entity; providing that certain private contributions are treated as spent before certain public contributions for the purpose of making a certain calculation;”; in line 27, strike “requiring” and substitute “providing”; strike beginning with “allow” in line 28 down through “establish” in line 29 and substitute “may include public financing of”; strike beginning with “provide” in line 31 down through “candidate” in line 33 and substitute “allow a publicly financed candidate to transfer any amount of funds from the candidate’s campaign finance entity to the candidate’s contested election committee”; in line 34, after “correction;” insert “altering certain definitions;”; after line 35, insert:

“BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)”;

and in line 38, after “Section” insert “1–101(o) and (aa).”.

(Over)

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AMENDMENT NO. 2

On page 3, after line 4, insert:

“1-101.

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

(o) (1) “Contribution” means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to:

(I) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question; AND

(II) ASSIST IN THE PAYMENT OF EXPENSES ASSOCIATED WITH CONTESTING AN ELECTION UNDER TITLE 12 OF THIS ARTICLE.

(2) “Contribution” includes:

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

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

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

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(aa) “Expenditure” means a gift, transfer, disbursement, or promise of money or a thing of value by or on behalf of a campaign finance entity to:

(1) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question at an election; [or]

(2) PAY EXPENSES ASSOCIATED WITH CONTESTING AN ELECTION UNDER TITLE 12 OF THIS ARTICLE; OR

[(2)] (3) pay for the publication expense of a legislative newsletter under Title 13, Subtitle 4 of this article.”.

AMENDMENT NO. 3

On page 4, in line 13, after “(B)” insert “(1)”; in lines 14 and 15, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; after line 15, insert:

“(2) “CONTESTED ELECTION” INCLUDES AN ELECTION THAT MAY BE SUBJECT TO A RECOUNT UNDER SUBTITLE 1 OF THIS TITLE, BUT FOR WHICH A RECOUNT DOES NOT OCCUR BECAUSE NEITHER CANDIDATE FILES A FORMAL RECOUNT PETITION OR INITIATES A JUDICIAL ACTION.”; after line 19, insert:

“(A) THIS SUBTITLE APPLIES ONLY TO A PERSON THAT ACCEPTS PUBLIC CAMPAIGN FINANCING UNDER:

(1) TITLE 15 OF THIS ARTICLE; OR

(2) § 13-505 OF THIS ARTICLE.”;

in line 20, before “A” insert “(B)”; and in line 26, after “COMMITTEE” insert “AT ANY TIME”.

(Over)

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On page 5, strike in their entirety lines 13 through 28, inclusive; after line 28, insert:

“(A) (1) A PERSON THAT ACCEPTS PUBLIC CAMPAIGN FINANCING UNDER TITLE 15 OF THIS ARTICLE MAY NOT SOLICIT OR ACCEPT A DONATION ON BEHALF OF A CONTESTED ELECTION COMMITTEE IN EXCESS OF THE CONTRIBUTION LIMITS ESTABLISHED UNDER TITLE 15 OF THIS ARTICLE.

(2) A PERSON THAT ACCEPTS PUBLIC CAMPAIGN FINANCING UNDER § 13-505 OF THIS ARTICLE MAY NOT SOLICIT OR ACCEPT A DONATION ON BEHALF OF A CONTESTED ELECTION COMMITTEE IN EXCESS OF THE CONTRIBUTION LIMITS ESTABLISHED IN LAW BY THE GOVERNING BODY OF THE COUNTY IN ACCORDANCE WITH § 13-505 OF THIS ARTICLE.”;

and in line 29, strike “(E)” and substitute “(B)”.

On page 11, after line 14, insert:

“(A) (1) ANY PART OF A PUBLIC CONTRIBUTION MADE TO A CONTESTED ELECTION COMMITTEE THAT IS NOT SPENT SHALL BE REPAYED TO THE APPROPRIATE GOVERNMENT ENTITY.

(2) IN COMPUTING WHETHER PART OF A PUBLIC CONTRIBUTION IS NOT SPENT, ALL PRIVATE CONTRIBUTIONS TO THE PERSON SHALL BE TREATED AS SPENT BEFORE THE EXPENDITURE OF ANY PUBLIC CONTRIBUTION.”;

in line 15, strike “BEFORE” and substitute “(B) AFTER REPAYING REMAINING PUBLIC CONTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND BEFORE”; in line 26, after “(a)” insert “IN THIS SECTION, “CONTESTED ELECTION

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**COMMITTEE” MEANS A CONTESTED ELECTION COMMITTEE ESTABLISHED UNDER
TITLE 12, SUBTITLE 3 OF THIS ARTICLE.**

(B)”;

after line 28, insert:

**“(2) A SYSTEM OF PUBLIC FINANCING ESTABLISHED UNDER
PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE PUBLIC FINANCING OF A
CONTESTED ELECTION COMMITTEE.”;**

and in line 29, strike “(2)” and substitute “**(3)**”.

On page 12, in line 5, strike “(b)” and substitute “**(C)**”; in the same line, strike “(a)” and substitute “**(B)**”; in line 26, strike the brackets; strike in their entirety lines 27 through 29, inclusive; in line 30, strike the brackets; and in the same line, strike “**(8)**”.

On page 13, in line 1, strike “(c)” and substitute “**(D)**”; in the same line, strike “(a)” and substitute “**(B)**”; in line 7, after “Article;” insert “**AND**”; and strike beginning with “**(3)**” in line 8 down through “CANDIDATE” in line 12 and substitute:

**“(3) ALLOW A PUBLICLY FINANCED CANDIDATE TO TRANSFER ANY
AMOUNT OF FUNDS FROM THE CANDIDATE’S CAMPAIGN FINANCE ENTITY TO THE
CANDIDATE’S CONTESTED ELECTION COMMITTEE”.**