

SB0111/473325/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 111
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “disbursements;” insert “requiring an authorized candidate campaign committee that results from the draft committee or exploratory committee to make any equipment purchases from the draft committee or exploratory committee at the fair market value of the equipment; requiring a draft committee or an exploratory committee to dispense of remaining funds in a certain manner in a certain time frame; establishing that a draft committee or an exploratory committee is not subject to any contribution limit;”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Election Law

Section 1–101(k)

Annotated Code of Maryland

(2022 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

- “(k) (1) “Campaign material” means any material that:
- (i) contains text, graphics, or other images;
 - (ii) relates to a candidate, a [prospective] **POTENTIAL** candidate, or the approval or rejection of a question or prospective question; and
 - (iii) is published, distributed, or disseminated.

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(2) “Campaign material” includes:

(i) a qualifying paid digital communication;

(ii) any other material transmitted by or appearing on the Internet or other electronic medium;

(iii) an oral commercial campaign advertisement; and

(iv) an automated or prerecorded oral communication.”;

after line 15, insert:

“(2) (I) “DONATION” MEANS THE GIFT OR TRANSFER, OR PROMISE OF GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A PERSON THAT MAKES DISBURSEMENTS FOR A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE.

(II) “DONATION” DOES NOT INCLUDE ANY AMOUNT OF MONEY OR ANY OTHER THING OF VALUE:

1. RECEIVED BY A PERSON IN THE ORDINARY COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON, WHETHER FOR PROFIT OR NOT FOR PROFIT, OR IN THE FORM OF INVESTMENTS IN THE PERSON’S BUSINESS; OR

2. A. THAT THE DONOR AND THE PERSON RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING MAY NOT BE USED FOR A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE; AND

B. IN THE CASE OF A MONETARY DONATION, IS DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE.”;

in lines 16 and 19, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 19, strike “(1)”; strike in their entirety lines 22 and 23; and in line 24, strike “THIS SECTION” and substitute “**§§ 13-220.1 AND 13-220.2 OF THIS TITLE AND SUBTITLE 2, PART V OF THIS TITLE**”.

AMENDMENT NO. 3

On page 3, in line 2, after “CANDIDATE” insert “**FOR THAT PUBLIC OFFICE**”; in line 15, strike “AND”; in line 16, after “WEBSITE” insert “;

(5) A QUALIFYING PAID DIGITAL COMMUNICATION;

(6) RENTING OR LEASING OFFICE SPACE; AND

(7) PURCHASING ELECTRONIC EQUIPMENT, INCLUDING COMPUTERS AND TELEPHONES”;

and after line 20, insert:

“(H) IF AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE RESULTS FROM THE DRAFT COMMITTEE OR EXPLORATORY COMMITTEE, ANY PURCHASES MADE BY THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE OF EQUIPMENT FROM THE DRAFT COMMITTEE OR EXPLORATORY COMMITTEE SHALL BE MADE AT THE FAIR MARKET VALUE OF THE EQUIPMENT.

(I) (1) A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE SHALL RETURN ANY REMAINING FUNDS RECEIVED UNDER SUBSECTION (E) OF

(Over)

THIS SECTION IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION
WITHIN 120 DAYS AFTER:

(I) A POTENTIAL CANDIDATE OR AN INDIVIDUAL A DRAFT
COMMITTEE ENCOURAGED TO SEEK PUBLIC OFFICE:

1. TIMELY FILING A CERTIFICATE OF CANDIDACY FOR
A PUBLIC OFFICE UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE; OR

2. PUBLICLY ANNOUNCING THAT THE INDIVIDUAL
HAS DECLINED TO FILE A CERTIFICATE OF CANDIDACY FOR PUBLIC OFFICE; OR

(II) THE DEADLINE FOR FILING A CERTIFICATE OF
CANDIDACY UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE HAS PASSED.

(2) A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE
SHALL RETURN FUNDS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) PRO RATA TO THE CONTRIBUTORS; OR

(II) PAY THE REMAINING FUNDS TO:

1. IF THE POTENTIAL CANDIDATE OR INDIVIDUAL
THE DRAFT COMMITTEE ENCOURAGED TO SEEK PUBLIC OFFICE IS A MEMBER OF
A POLITICAL PARTY:

A. THE STATE CENTRAL COMMITTEE OF THE
POLITICAL PARTY; OR

B. A LOCAL CENTRAL COMMITTEE OF THE POLITICAL PARTY;

2. IF THE POTENTIAL CANDIDATE OR INDIVIDUAL THE DRAFT COMMITTEE ENCOURAGED TO SEEK PUBLIC OFFICE ESTABLISHES AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, SUBJECT TO § 13-226 OF THIS TITLE, THE AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE;

3. A NONPROFIT ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

4. THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

(J) A DONATION TO A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE IS NOT SUBJECT TO ANY LIMITS.”