

HOUSE BILL 138

G1

8lr1523

By: **Delegates Kaiser, Ali, Barkley, Bobo, Feldman, Frush, Gutierrez, Hecht, Howard, Hubbard, Hucker, Ivey, Jennings, Jones, Kach, Lafferty, Lee, Manno, Montgomery, Morhaim, Olszewski, Rice, Ross, Stukes, and Weldon**

Introduced and read first time: January 18, 2008

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2008

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Ballot Issue Committee – ~~Additional Campaign Finance~~**
3 **~~Report of Contributions Required~~ Campaign Finance Reporting**
4 **Requirements**

5 FOR the purpose of exempting a ballot issue committee from certain requirements to
6 file a campaign finance report if the responsible officers of the ballot issue
7 committee file a certain affidavit stating that the ballot issue committee will not
8 or has not raised contributions or made expenditures of more than a certain
9 amount; requiring a ballot issue committee to file a campaign finance report of
10 its contributions on or before a certain date preceding a general election; and
11 generally relating to ~~the filing of an additional campaign finance report of its~~
12 ~~contributions by a ballot issue committee~~ campaign finance reporting
13 requirements for a ballot issue committee.

14 BY repealing and reenacting, with amendments,

15 Article – Election Law

16 Section 13–305 and 13–309

17 Annotated Code of Maryland

18 (2003 Volume and 2007 Supplement)

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

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.



Article - Election Law

13-305.

(a) Subject to subsection (b) of this section, a candidate's authorized political committee OR A BALLOT ISSUE COMMITTEE is not required to file the campaign finance reports required under § 13-304 of this subtitle if the responsible officers file an affidavit:

(1) on or before the day when the first campaign finance report is due;
and

(2) stating that the campaign finance entity does not intend either to raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the filing fee, make expenditures in the cumulative amount of \$1,000 or more.

(b) If the campaign finance entity receives cumulative contributions of \$1,000 or more or makes cumulative expenditures of \$1,000 or more, the campaign finance entity shall file all subsequent campaign finance reports required under this subtitle.

(c) (1) Notwithstanding subsection (a) of this section, and subject to subsection (d) of this section, the responsible officers of a candidate's authorized political committee OR A BALLOT ISSUE COMMITTEE may file an affidavit, instead of the campaign finance reports for the period required under § 13-309(a) of this subtitle for an election in which the political committee designates it will participate, if the affidavit:

(i) is filed on or before the day when the campaign finance report is due; and

(ii) states that the campaign finance entity did not raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the filing fee, make expenditures in the cumulative amount of \$1,000 or more for the period.

(2) (i) So long as the campaign finance entity does not receive cumulative contributions of \$1,000 or more or make cumulative expenditures of \$1,000 or more during any reporting period:

1. the affidavit filed under paragraph (1) of this subsection remains in effect; and

2. the campaign finance entity is not required to file a campaign finance report required under § 13-309(a) of this subtitle.

(ii) A campaign finance entity subject to this paragraph shall file the annual campaign finance report required under § 13-309(b) of this subtitle.

1 (d) After filing an affidavit under subsection (c)(1) of this section, if the
2 campaign finance entity receives cumulative contributions of \$1,000 or more or makes
3 cumulative expenditures of \$1,000 or more in a period, the campaign finance entity
4 shall file a campaign finance report for that period as required under § 13-309 of this
5 subtitle on or before the day that the campaign finance report is due.

6 (e) A violation of subsections (b) or (d) of this section constitutes a failure to
7 file by the campaign finance entity, and the responsible officers are guilty of a
8 misdemeanor and on conviction are subject to the penalties prescribed under Part VII
9 of this title.

10 13-309.

11 (a) Subject to other provisions of this subtitle, a campaign finance entity
12 shall file campaign finance reports as follows:

13 (1) except for a ballot issue committee, on or before the fourth Tuesday
14 immediately preceding each primary election except a presidential primary election;

15 (2) except for a ballot issue committee, on or before the second Friday
16 immediately preceding a primary election;

17 **(3) FOR A BALLOT ISSUE COMMITTEE ONLY, ON OR BEFORE THE**
18 **FOURTH FRIDAY IMMEDIATELY PRECEDING A GENERAL ELECTION;**

19 ~~[(3)]~~ (4) on or before the second Friday immediately preceding a
20 general election; and

21 ~~[(4)]~~ (5) on or before the third Tuesday after a general election.

22 (b) (1) A campaign finance entity is subject to subsection (a) of this
23 section and this subsection only as to the election in which the entity designates that it
24 will participate.

25 (2) In addition to the campaign finance reports required under
26 subsection (a) of this section, but subject to paragraph (4) of this subsection, a
27 campaign finance entity shall file campaign finance reports on the third Wednesday in
28 January.

29 (3) (i) If subsequent to the filing of its declaration under §
30 13-208(c)(3) of this title, a campaign finance entity participates in an election in which
31 it was not designated to participate, the campaign finance entity shall file all
32 campaign reports prescribed under subsection (a) of this section for that election.

33 (ii) A violation of subparagraph (i) of this paragraph constitutes
34 a failure to file by the campaign finance entity, and the responsible officer is guilty of a

1 misdemeanor and on conviction is subject to the penalties prescribed under Part VII of
2 this subtitle.

3 (4) If a campaign finance entity has neither a cash balance nor an
4 outstanding obligation at the end of a reporting period, a campaign finance report for
5 that period, clearly marked as “final”, shall be filed on or before the due date, and no
6 further report is required.

7 (c) In addition to the campaign reports required under subsection (a) of this
8 section, a continuing political committee shall file a campaign finance report on the
9 third Wednesday in January of each year the committee is in existence.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.