

# SENATE BILL 391

L6, G1, G2

9lr1943

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By: **Senator Exum**

Introduced and read first time: February 2, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Council Member - Ethics Laws Governing**  
3 **Campaign Contributions, Participation, and Voting**

4 FOR the purpose of repealing the provision of law prohibiting a certain person from  
5 making a certain payment to a member of the Prince George's County Council  
6 during the pendency of a certain application; repealing the provision of law  
7 prohibiting a member of the County Council from voting on a certain application  
8 or participating in a certain proceeding; and generally relating to local ethics  
9 provisions governing campaign contributions, participation, and voting by a  
10 member of the Prince George's County Council.

11 BY repealing and reenacting, without amendments,  
12 Article - Election Law  
13 Section 13-501  
14 Annotated Code of Maryland  
15 (2003 Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - State Government  
18 Section 15-831  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2008 Supplement)

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

23 **Article - Election Law**

24 13-501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 As to contributions to the Prince George's County Executive, a member of the  
2 Prince George's County Council, or a candidate for either of those offices, Title 15,  
3 Subtitle 8, Part IV of the State Government Article may apply.

4 **Article – State Government**

5 15–831.

6 (a) An applicant or agent of the applicant may not make a payment to [a  
7 member of the County Council, or to] the County Executive[, ] during the pendency of  
8 the application.

9 [(b) (1) After an application has been filed, a member of the County  
10 Council may not vote or participate in any way in the proceeding on the application if  
11 the member's treasurer or the member's continuing political committee received a  
12 payment, during the 36–month period before the filing of the application or during the  
13 pendency of the application, from any of the applicants or the agents of the applicants.

14 (2) A member is not subject to the requirements of paragraph (1) of  
15 this subsection if:

16 (i) as to the application, no applicant or agent has filed an  
17 affidavit naming the member or the member's continuing political committee as the  
18 recipient of a payment; or

19 (ii) 1. a transfer to the member's treasurer or continuing  
20 political committee was made by a political action committee to which an applicant or  
21 agent had made a payment;

22 2. the applicant or agent made the payment to the  
23 political action committee without any intent to subvert the purposes of this subtitle;

24 3. the applicant's or agent's payment to the political  
25 action committee, and the political action committee's transfer, are disclosed in an  
26 affidavit; and

27 4. the transfer is returned to the political action  
28 committee by the member, or the payment is returned to the applicant or agent by the  
29 political action committee.]

30 [(c) (B) (1) After an application is filed, the applicant shall file an  
31 affidavit, under oath, stating to the best of the applicant's information, knowledge, and  
32 belief that:

33 (i) 1. during the 36–month period before the filing of the  
34 application and during the pendency of the application, the applicant has not made  
35 any payment to the treasurer of a candidate or continuing political committee; or

1                                   2.     if any such payment was made, discloses the name of  
2 the member to whose treasurer, or whose continuing political committee, the payment  
3 was made;

4                                   (ii)   1.     during the 36-month period before the filing of the  
5 application and during the pendency of the application, the applicant has not solicited  
6 any person or business entity to make a payment to the treasurer of a candidate or  
7 continuing political committee; or

8                                   2.     if any such solicited payment was made, discloses the  
9 name of the member to whose treasurer, or whose continuing political committee, the  
10 payment was made; and

11                                  (iii)   1.     during the 36-month period before the filing of the  
12 application and during the pendency of the application, a member of the applicant's  
13 household has not made a payment to the treasurer of a candidate or continuing  
14 political committee; or

15                                  2.     if such a payment has been made, discloses the name  
16 of the member to whose treasurer, or whose continuing political committee, the  
17 payment was made.

18                                  (2)   The affidavit may be filed any time prior to consideration of the  
19 application by the District Council, at the discretion of the applicant. However, in no  
20 event may the affidavit be filed less than 30 calendar days prior to consideration by  
21 the District Council of the application.

22                                  (3)   A supplemental affidavit shall be filed whenever a payment is  
23 made after the original affidavit was filed.

24                                  (4)   An applicant has no obligation to make any representations  
25 pertaining to the actions of anyone other than that applicant under the affidavit. In  
26 the case of business entities, anyone with authority to act on behalf of, and bind, the  
27 business entity may execute an affidavit on behalf of the business entity itself.

28                                  (5)   The only disclosures required under the affidavit are those  
29 involving individuals or business entities that would be subject to the provisions of  
30 this subtitle.

31                   [(d)] (C)   (1)   An agent shall file an affidavit in an application only if:

32                                   (i)   the agent has acted on behalf of the applicant with regard to  
33 the specific application; and

34                                   (ii)   during the 36-month period before the filing of the  
35 application and during the pendency of the application, and after becoming an agent of  
36 the applicant:

1                   1.     the agent has made a payment to a candidate or  
2 continuing political committee; or

3                   2.     the agent has solicited any person to make a payment  
4 to the treasurer of a candidate or a continuing political committee.

5                   (2)    Notwithstanding the provisions of paragraph (1)(ii) of this  
6 subsection, an agent shall disclose in the affidavit a payment made before becoming an  
7 agent if the agent:

8                   (i)     made the payment by prearrangement or in coordination  
9 with one or more applicants; or

10                  (ii)    acted as an agent as to any other application filed during the  
11 36-month period.

12                  **[(e)](D)**   (1)    Except as provided in paragraph (2) of this subsection, a  
13 contributor, a member of the County Council, or a political action committee is subject  
14 to this Part IV if a payment is made by the contributor or a transfer is made by the  
15 political action committee to:

16                   (i)     the candidate; or

17                   (ii)    the candidate's continuing political committee.

18                  (2)    The provisions of this Part IV do not apply to:

19                   (i)     any payment or transfer to a slate, unless the slate is  
20 composed solely of candidates or members of the County Council;

21                   (ii)    any transfer to the continuing political committee of a  
22 candidate or member of the County Council by the continuing political committee of  
23 another individual running for elective office; or

24                   (iii)  a payment or transfer to the Prince George's County Central  
25 Committee, or State Central Committee, of a political party, even if the Central  
26 Committee supports a candidate.

27                  (3)    A person may not make a payment in violation of this Part IV.

28                  **[(f)] (E)**   An applicant or agent may not take any action, directly or  
29 indirectly, with the intent to circumvent the intent of this subtitle.

30                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2009.