

HOUSE BILL 616

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EMERGENCY BILL

0lr2367

By: **Delegate Ali**

Introduced and read first time: February 3, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Independent Campaign Expenditures Restriction Act**

3 FOR the purpose of requiring certain business entities that make independent
4 expenditures of a certain amount for campaign material to disclose certain
5 information to the State Board of Elections within a certain time period after
6 making the expenditure; requiring the State Board to post certain information
7 received by business entities and nonprofit organizations on a certain website
8 within a certain time period after receiving the information; requiring a
9 business entity that has stockholders to get a certain approval from its
10 stockholders before making an independent expenditure of a certain amount for
11 campaign material; prohibiting a person doing public business from making an
12 independent expenditure for certain campaign material; making this Act an
13 emergency measure; defining certain terms; and generally relating to
14 independent expenditures for campaign material by certain business entities
15 and nonprofit organizations.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 13–102
19 Annotated Code of Maryland
20 (2003 Volume and 2009 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 13–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A)** Except for a candidate **AND AS PROVIDED IN SUBSECTION (C) OF THIS**
2 **SECTION**, this title does not prohibit an individual who acts independently of any
3 other person from:

4 (1) expressing personal views on any subject; or

5 (2) making an expenditure of personal funds to purchase campaign
6 material.

7 **(B) (1) IN THIS SUBSECTION, “BUSINESS ENTITY” MEANS A**
8 **CORPORATION, GENERAL OR LIMITED PARTNERSHIP, LIMITED LIABILITY**
9 **COMPANY, REAL ESTATE INVESTMENT TRUST.**

10 **(2) A BUSINESS ENTITY OR NONPROFIT ORGANIZATION THAT**
11 **MAKES AN INDEPENDENT EXPENDITURE OF \$10,000 OR MORE FOR CAMPAIGN**
12 **MATERIAL SHALL:**

13 **(I) DISCLOSE THE FOLLOWING INFORMATION TO THE**
14 **STATE BOARD WITHIN 12 HOURS OF THE INDEPENDENT EXPENDITURE BEING**
15 **MADE:**

16 1. THE AMOUNT OF THE INDEPENDENT
17 EXPENDITURE;

18 2. THE ELECTION FOR WHICH THE POLITICAL
19 CAMPAIGN MATERIAL IS DIRECTED; AND

20 3. A SHORT DESCRIPTION OF THE CAMPAIGN
21 MATERIAL; AND

22 **(II) FOR A BUSINESS ENTITY THAT HAS STOCKHOLDERS,**
23 **RECEIVE THE APPROVAL OF A MAJORITY OF ITS STOCKHOLDERS OR MEMBERS**
24 **BEFORE MAKING THE INDEPENDENT EXPENDITURE.**

25 **(3) THE STATE BOARD SHALL POST THE INFORMATION**
26 **RECEIVED FROM BUSINESS ENTITIES AND NONPROFIT ORGANIZATIONS UNDER**
27 **PARAGRAPH (2)(I) OF THIS SUBSECTION ON THE STATE BOARD WEBSITE**
28 **WITHIN 12 HOURS OF RECEIVING THE INFORMATION.**

29 **(C) (1) IN THIS SUBSECTION, “DOING PUBLIC BUSINESS” HAS THE**
30 **MEANING STATED IN § 14–101 OF THIS ARTICLE.**

1 **(2) A PERSON DOING PUBLIC BUSINESS MAY NOT MAKE AN**
2 **INDEPENDENT EXPENDITURE FOR CAMPAIGN MATERIAL THAT SUPPORTS OR**
3 **OPPOSES A CANDIDATE OR POLITICAL PARTY.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health or safety,
6 has been passed by a ye and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from
8 the date it is enacted.