

# HOUSE BILL 1383

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By: **Delegates Levi, Dumais, Elmore, George, Gilchrist, Howard, Myers, Niemann, Olszewski, Rice, Rosenberg, Shank, Stukes, F. Turner, and Valderrama**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Transfer from Slate to Candidate – Campaign Finance Report**

3 FOR the purpose of requiring a certain slate that makes transfers of more than a  
4 certain amount to the campaign finance entity of one of its members during a  
5 certain period to file a campaign finance report for a certain reporting period;  
6 requiring the campaign finance report to be filed on a certain date; providing  
7 that the State Board of Elections is not required to provide notice to a certain  
8 entity that a campaign finance report is required to be filed under this Act; and  
9 generally relating to disclosure of campaign finance information when a slate  
10 makes certain transfers to the campaign finance entity of one of its members.

11 BY repealing and reenacting, without amendments,

12 Article – Election Law

13 Section 13–209, 13–227, 13–304(a)(1), 13–312, and 13–327(a)

14 Annotated Code of Maryland

15 (2003 Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Election Law

18 Section 13–309 and 13–321

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 13–209.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Two or more candidates who have established separate campaign finance  
2 entities may form a slate.

3 (b) After establishing a campaign finance entity in accordance with §  
4 13–202(b) of this subtitle, a candidate may join a slate.

5 (c) (1) To join a slate, a candidate shall file a written notice with the  
6 board where the candidate filed a certificate of candidacy.

7 (2) The notice shall specify:

8 (i) the name of the slate that the candidate has joined; and

9 (ii) the date on which the candidate joined the slate.

10 13–227.

11 (a) In this section, a “campaign finance entity” includes a nonfederal  
12 out-of-state political committee.

13 (b) The limit on transfers set forth in subsection (c) of this section does not  
14 apply to a transfer:

15 (1) by a campaign finance entity to a ballot issue committee;

16 (2) between or among:

17 (i) political committees that are State or local central  
18 committees of the same political party;

19 (ii) a slate and the campaign finance entities of its members;  
20 and

21 (iii) the campaign finance entities of a candidate.

22 (c) During an election cycle, a campaign finance entity may not directly or  
23 indirectly make transfers in a cumulative amount of more than \$6,000 to any one  
24 other campaign finance entity.

25 (d) (1) All affiliated campaign finance entities are treated as a single  
26 entity in determining:

27 (i) the amount of transfers made by a campaign finance entity;  
28 and

29 (ii) the amount of transfers received by a campaign finance  
30 entity.

1           (2) Campaign finance entities are deemed to be affiliated if they:

2                           (i) are organized and operated in coordination and cooperation  
3 with each other; or

4                           (ii) otherwise conduct their operations and make their decisions  
5 relating to transfers and other contributions under the control of the same individual  
6 or entity.

7           (e) The limit on transfers to the campaign finance entities of a candidate  
8 prescribed in subsection (c) of this section applies regardless of the number of offices  
9 sought by the candidate.

10 13-304.

11           (a) (1) From the date of its organization until its termination under the  
12 provisions of this title, a campaign finance entity, except a political club, shall file a  
13 campaign finance report at the times, for the periods, and at the locations required by  
14 §§ 13-309, 13-312, and 13-316 of this subtitle.

15 13-309.

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

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

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

22                           (3) on or before the second Friday immediately preceding a general  
23 election; and

24                           (4) on or before the third Tuesday after a general election.

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

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

32                           (3) (i) If subsequent to the filing of its declaration under §  
33 13-208(c)(3) of this title, a campaign finance entity participates in an election in which

1 it was not designated to participate, the campaign finance entity shall file all  
2 campaign reports prescribed under subsection (a) of this section for that election.

3 (ii) A violation of subparagraph (i) of this paragraph constitutes  
4 a failure to file by the campaign finance entity, and the responsible officer is guilty of a  
5 misdemeanor and on conviction is subject to the penalties prescribed under Part VII of  
6 this subtitle.

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

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

14 **(D) (1) THIS SUBSECTION APPLIES ONLY TO A SLATE THAT IS**  
15 **FORMED:**

16 **(I) AFTER THE STATE BOARD SENDS NOTICE OF THE**  
17 **FILING DATE FOR THE CAMPAIGN FINANCE REPORTING PERIOD DURING WHICH**  
18 **THE SLATE IS FORMED; AND**

19 **(II) BEFORE THE CONCLUSION OF THE CAMPAIGN FINANCE**  
20 **REPORTING PERIOD DURING WHICH THE SLATE IS FORMED.**

21 **(2) A SLATE SUBJECT TO THIS SUBSECTION THAT MAKES**  
22 **TRANSFERS IN A CUMULATIVE AMOUNT OF MORE THAN \$6,000 TO THE**  
23 **CAMPAIGN FINANCE ENTITY OF ONE OF ITS MEMBERS DURING THE PERIOD**  
24 **FROM THE DATE OF ORGANIZATION OF THE SLATE THROUGH THE CONCLUSION**  
25 **OF THE CAMPAIGN FINANCE REPORTING PERIOD DURING WHICH THE SLATE**  
26 **WAS FORMED SHALL FILE A CAMPAIGN FINANCE REPORT FOR THE CAMPAIGN**  
27 **FINANCE REPORTING PERIOD DURING WHICH THE SLATE WAS FORMED.**

28 **(3) THE CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS**  
29 **SUBSECTION SHALL BE FILED ON THE FILING DEADLINE SPECIFIED IN THIS**  
30 **SECTION THAT IMMEDIATELY FOLLOWS THE DATE ON WHICH THE SLATE WAS**  
31 **FORMED.**

32 13–312.

33 (a) Campaign finance reports filed under § 13–304 of this subtitle shall cover  
34 the following reporting periods:

1 (1) the first campaign finance report shall cover the period from the  
2 date of organization of the campaign finance entity through the day specified in item  
3 (3) of this section;

4 (2) each subsequent campaign finance report shall cover the period  
5 from the closing date of the previous campaign finance report through the day  
6 specified in item (3) of this section;

7 (3) (i) except as provided in item (ii) of this item, each campaign  
8 finance report shall cover the period that includes the seventh day before the day the  
9 campaign finance report is due; but

10 (ii) the campaign finance report that is required on or before the  
11 second Friday immediately preceding an election shall cover the period through and  
12 including the preceding Sunday; and

13 (4) if no contribution is received and no expenditure is made during  
14 the period covered by a campaign finance report, the campaign finance entity shall file  
15 a campaign finance report or an affidavit under § 13–305 of this subtitle to that effect.

16 (b) A campaign finance report preceded by an affidavit filed in accordance  
17 with this subtitle shall cover the period from the closing date of the previous campaign  
18 finance report or date of organization of the campaign finance entity through the day  
19 specified in subsection (a)(3) of this section.

20 13–321.

21 (a) (1) **(I) [In] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
22 **THIS PARAGRAPH, IN** accordance with paragraph (2) of this subsection, each board  
23 shall notify each campaign finance entity that is required under this subtitle to file  
24 campaign finance reports with that board of each campaign finance report required to  
25 be filed by that entity.

26 **(II) THE STATE BOARD IS NOT REQUIRED TO PROVIDE**  
27 **NOTICE OF A CAMPAIGN FINANCE REPORT THAT IS REQUIRED TO BE FILED**  
28 **UNDER § 13–309(D) OF THIS SUBTITLE.**

29 (2) The notice shall be provided by first class mail at least 10 but not  
30 more than 20 days before the filing date for each campaign finance report.

31 (b) The notice required under subsection (a) of this section shall include:

32 (1) the filing date;

33 (2) the telephone number, business hours, and location of the board  
34 where the campaign finance report is to be filed; and

1                   (3)     the penalty for failure to file a timely campaign finance report.

2     13-327.

3                   (a)     A campaign finance entity that fails to file a campaign finance report or  
4     affidavit required by this subtitle is subject to the sanctions provided in Part VII of  
5     this subtitle.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7     June 1, 2010.