

HOUSE BILL 400

P1

5lr1135

By: **Delegate O'Donnell**

Introduced and read first time: February 6, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Use of Public Resources – Reimbursement by Elected**
3 **Officials**

4 FOR the purpose of requiring a State elected official, within a certain time period after a
5 public resource is used in connection with a certain campaign event, to submit to the
6 State Board of Elections certain documentation and reimburse the State for the cost
7 of the public resource used; providing that a State elected official is subject to a
8 certain fine under certain circumstances; requiring the State Board to refer a
9 violation of a certain provision of this Act to the Office of the State Prosecutor;
10 providing for the application of this Act; defining certain terms; and generally
11 relating to the reimbursement of certain costs by State elected officials for the use of
12 public resources.

13 BY adding to

14 Article – State Government

15 Section 1–102 to be under the amended title “Title 1. Definitions; General Provisions”

16 Annotated Code of Maryland

17 (2014 Replacement Volume)

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

20 **Article – State Government**

21 Title 1. Definitions; **GENERAL PROVISIONS.**

22 **1–102.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) “CAMPAIGN EVENT” MEANS AN EVENT THAT:**

2 **1. DIRECTLY RELATES TO OR INCLUDES ANY ACTIVITY**
3 **OR FUNCTION RELATED TO A CAMPAIGN FOR ELECTED OFFICE OR ISSUES RELATED**
4 **TO THE CAMPAIGN; AND**

5 **2. IS NOT DIRECTLY AND EXCLUSIVELY RELATED TO THE**
6 **PERFORMANCE OF THE DUTIES REQUIRED TO BE PERFORMED BY A STATE ELECTED**
7 **OFFICIAL BY VIRTUE OF THE OFFICE EVEN THOUGH PART OF THE EVENT INCLUDES**
8 **THE PERFORMANCE OF OFFICIAL DUTIES.**

9 **(II) “CAMPAIGN EVENT” INCLUDES:**

- 10 **1. A FUND-RAISER;**
11 **2. A PRESS OR MEDIA EVENT;**
12 **3. A SPEECH; AND**
13 **4. A TELEVISION APPEARANCE.**

14 **(3) “PUBLIC RESOURCE” MEANS:**

- 15 **(I) THE EXECUTIVE AIRCRAFT;**
16 **(II) A STATE BUILDING;**
17 **(III) A SECURITY DETAIL THAT COMPRISES STATE PERSONNEL;**
18 **(IV) A STATE EMPLOYEE WHO IS ASSIGNED TO THE STAFF OF A**
19 **STATE ELECTED OFFICIAL;**
20 **(V) STATE-OWNED MOTOR VEHICLES;**
21 **(VI) A STATE POLICE DRIVER; OR**
22 **(VII) ANY OTHER RESOURCE THAT IS PAID FOR AND PROVIDED TO**
23 **A STATE ELECTED OFFICIAL BY THE STATE BY VIRTUE OF THE OFFICE.**

24 **(4) “STATE ELECTED OFFICIAL” INCLUDES:**

- 25 **(I) THE GOVERNOR;**

- 1 **(II) THE LIEUTENANT GOVERNOR;**
- 2 **(III) THE ATTORNEY GENERAL;**
- 3 **(IV) THE COMPTROLLER;**
- 4 **(V) A MEMBER OF THE SENATE OF MARYLAND; AND**
- 5 **(VI) A MEMBER OF THE HOUSE OF DELEGATES.**

6 **(B) THIS SECTION APPLIES WHETHER OR NOT THE STATE ELECTED**
7 **OFFICIAL HAS FORMALLY DECLARED AS A CANDIDATE FOR ANOTHER OFFICE.**

8 **(C) WITHIN 30 DAYS AFTER A PUBLIC RESOURCE IS USED IN CONNECTION**
9 **WITH A CAMPAIGN EVENT FOR ANOTHER OFFICE, A STATE ELECTED OFFICIAL**
10 **SHALL:**

11 **(1) SUBMIT TO THE STATE BOARD OF ELECTIONS DOCUMENTATION**
12 **THAT STATES:**

- 13 **(I) THE TYPE OF PUBLIC RESOURCE USED;**
- 14 **(II) THE DATE THE PUBLIC RESOURCE WAS USED;**
- 15 **(III) THE CAMPAIGN EVENT FOR WHICH THE PUBLIC RESOURCE**
16 **WAS USED; AND**
- 17 **(IV) THE COST TO THE STATE OF THE PUBLIC RESOURCE THAT**
18 **WAS USED IN CONNECTION WITH THE CAMPAIGN EVENT; AND**

19 **(2) REIMBURSE THE STATE FOR THE COST OF THE PUBLIC RESOURCE**
20 **USED.**

21 **(D) (1) IF THE STATE BOARD OF ELECTIONS FINDS THAT A STATE**
22 **ELECTED OFFICIAL HAS FAILED TO COMPLY WITH SUBSECTION (C) OF THIS**
23 **SECTION, THE STATE ELECTED OFFICIAL IS SUBJECT TO A FINE OF TWICE THE**
24 **AMOUNT OF THE PUBLIC RESOURCE USED.**

25 **(2) IF THE STATE ELECTED OFFICIAL FAILS TO PAY THE FINE**
26 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE BOARD OF**
27 **ELECTIONS SHALL REFER THE VIOLATION TO THE OFFICE OF THE STATE**
28 **PROSECUTOR.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2015.