

## Chapter 460

**(House Bill 755)**

AN ACT concerning

**Campaign Finance – ~~Illegal Contributions~~ Contributions in Name of Another –  
Fair Campaign Financing Fund**

FOR the purpose of prohibiting a campaign finance entity that receives a contribution in violation of ~~certain provisions of law~~ a certain prohibition on contributions in the name of another person from using the contribution; requiring the campaign finance entity to remit the illegal contribution to the Fair Campaign Financing Fund; requiring the Comptroller to credit ~~on~~ the illegal contribution to the Fund; providing for a delayed effective date; and generally relating to illegal campaign contributions made in the name of another.

~~BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 13–230 and 15–103(c)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2017 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 15–103(a) and (b)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2017 Supplement)~~

BY adding to  
Article – Election Law  
Section 13–239.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 13–602(a)(5), (b), and (c) and 15–103(a) and (b)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 15–103(c)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2017 Supplement)

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

**Article – Election Law**

~~13-230.~~

~~[Except] If a Campaign Finance Entity receives a contribution in violation of this article, or, except as provided in § 13-240 of this subtitle, if a campaign finance entity receives a contribution from an anonymous source, the campaign finance entity:~~

~~(1) may not use the contribution for any purpose; and~~

~~(2) shall remit the contribution to the Fair Campaign Financing Fund established under § 15-103 of this article.~~

~~15-103.~~

~~(a) There is a Fair Campaign Financing Fund.~~

~~(b) The Comptroller shall administer the Fund in accordance with this section.~~

~~(c) In accordance with this title, the Comptroller shall:~~

~~(1) credit to the Fund:~~

~~(i) all money collected under this title;~~

~~(ii) voluntary contributions to the Fund made electronically through the State Board's Web site;~~

~~(iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;~~

~~(iv) an anonymous OR ILLEGAL contribution paid to the Fund under § 13-230 of this article;~~

~~(v) surplus campaign funds paid to the Fund under § 13-247 of this article; and~~

~~(vi) contributions to the Fund made through the checkoff on the individual income tax return established under § 2-113.1 of the Tax General Article;~~

~~(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and~~

~~(3) make distributions from the Fund promptly on authorization by the State Board.~~

**13-239.1.**

**IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION AS A RESULT OF A VIOLATION OF § 13-602(A)(5) OF THIS TITLE FOR WHICH THE CONTRIBUTOR HAS BEEN CONVICTED, THE CAMPAIGN FINANCE ENTITY:**

**(1) MAY NOT USE THE CONTRIBUTION FOR ANY PURPOSE; AND**

**(2) SHALL REMIT THE CONTRIBUTION TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

**13-602.**

(a) (5) A person may not directly or indirectly pay or promise to pay a campaign finance entity in a name other than the person's name.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is:

(1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both; and

(2) ineligible to hold any public or party office for 4 years after the date of the offense.

(c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State, a person that the State Prosecutor believes to be guilty of a willful violation of this section.

(2) A State's Attorney may prosecute a person that the State's Attorney believes to be guilty of a willful violation of this section in the county in which the State's Attorney serves.

**15-103.**

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) In accordance with this title, the Comptroller shall:

(1) credit to the Fund:

- (i) all money collected under this title;
- (ii) voluntary contributions to the Fund made electronically through the State Board's Web site;
- (iii) fees, fines, and penalties assessed under this article or the General Provisions Article that are expressly allocated to the Fund by law;
- (iv) an anonymous contribution paid to the Fund under § 13-239 of this article;
- (V) AN ILLEGAL CONTRIBUTION PAID TO THE FUND UNDER § 13-239.1 OF THIS ARTICLE;**
- ~~(v)~~ **(VI)** surplus campaign funds paid to the Fund under § 13-247 of this article; and
- ~~(vi)~~ **(VII)** contributions to the Fund made through the checkoff on the individual income tax return established under § 2-113.1 of the Tax – General Article;
- (2) subject to the usual investing procedures for State funds, invest the money in the Fund; and
- (3) make distributions from the Fund promptly on authorization by the State Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2019.

**Approved by the Governor, May 8, 2018.**