

SENATE BILL 1043

G1

4lr3010

By: **Senator Getty**

Introduced and read first time: February 17, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance Entities – Inactive Status**

3 FOR the purpose of requiring, under certain circumstances, a certain candidate or a
4 certain treasurer to file an affidavit with the State Board of Elections
5 requesting that the State Board place a certain campaign finance entity on
6 inactive status; authorizing a certain candidate to file, or have a certain
7 treasurer file, an affidavit with the State Board requesting that the State Board
8 place a certain campaign finance entity on inactive status; requiring, under
9 certain circumstances, the State Board to place a campaign finance entity on
10 inactive status; prohibiting, except under certain circumstances, a campaign
11 finance entity on inactive status from making contributions or expenditures
12 under certain provisions of law; requiring a campaign finance entity on inactive
13 status to file a campaign finance report on a certain day each year; requiring
14 the State Board to remove a campaign finance entity from inactive status under
15 certain circumstances; providing for a delayed effective date; and generally
16 relating to the inactive status of campaign finance entities.

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 1–101(l)
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2013 Supplement)

22 BY adding to
23 Article – Election Law
24 Section 13–204
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 1–101.

3 (1) (1) “Candidate” means an individual who files a certificate of
4 candidacy for a public or party office.

5 (2) “Candidate” includes:

6 (i) an incumbent judge of the Court of Appeals or Court of
7 Special Appeals at an election for continuance in office; and

8 (ii) an individual, prior to that individual filing a certificate of
9 candidacy, if a campaign finance entity has been established on behalf of that
10 individual.

11 **13–204.**

12 (A) (1) **A CANDIDATE FOR WHOM A CAMPAIGN FINANCE ENTITY HAS**
13 **BEEN ESTABLISHED, OR THE TREASURER OF THE CAMPAIGN FINANCE ENTITY,**
14 **SHALL FILE AN AFFIDAVIT WITH THE STATE BOARD REQUESTING THAT THE**
15 **STATE BOARD PLACE THE CAMPAIGN FINANCE ENTITY ON INACTIVE STATUS IF**
16 **THE CANDIDATE:**

17 (I) **IS APPOINTED OR HIRED TO FILL A POSITION THAT IS IN**
18 **THE MANAGEMENT SERVICE UNDER § 6–403 OF THE STATE PERSONNEL AND**
19 **PENSIONS ARTICLE;**

20 (II) **IS APPOINTED OR HIRED TO FILL A POSITION THAT IS IN**
21 **THE EXECUTIVE SERVICE UNDER § 6–404 OF THE STATE PERSONNEL AND**
22 **PENSIONS ARTICLE;**

23 (III) **IS APPOINTED TO A POSITION IN WHICH THE**
24 **CANDIDATE IS CONSIDERED TO BE A SPECIAL APPOINTEE UNDER § 6–405 OF**
25 **THE STATE PERSONNEL AND PENSIONS ARTICLE; OR**

26 (IV) **IS APPOINTED OR HIRED TO FILL A POSITION TO WHICH**
27 **AN INDIVIDUAL IS DIRECTLY APPOINTED BY THE GOVERNOR BY AN**
28 **APPOINTMENT THAT IS PROVIDED FOR UNDER THE MARYLAND CONSTITUTION.**

29 (2) **A CANDIDATE WHO IS NOT REQUIRED TO FILE AN AFFIDAVIT**
30 **UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY ELECT TO FILE, OR HAVE THE**
31 **TREASURER OF THE CANDIDATE’S CAMPAIGN FINANCE ENTITY FILE, AN**

1 AFFIDAVIT WITH THE STATE BOARD REQUESTING THE STATE BOARD TO PLACE
2 THE CAMPAIGN FINANCE ENTITY ON INACTIVE STATUS.

3 (B) IF AN AFFIDAVIT IS FILED UNDER SUBSECTION (A) OF THIS
4 SECTION, THE STATE BOARD SHALL PLACE THE CAMPAIGN FINANCE ENTITY ON
5 INACTIVE STATUS.

6 (C) IF A CAMPAIGN FINANCE ENTITY IS PLACED ON INACTIVE STATUS
7 UNDER SUBSECTION (B) OF THIS SECTION, THE CAMPAIGN FINANCE ENTITY:

8 (1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, MAY
9 NOT MAKE CONTRIBUTIONS OR EXPENDITURES UNDER THIS TITLE;

10 (2) MAY MAKE EXPENDITURES FOR REASONABLE
11 ADMINISTRATION EXPENSES; AND

12 (3) SHALL FILE A CAMPAIGN FINANCE REPORT ON THE THIRD
13 WEDNESDAY IN JANUARY OF EACH YEAR THE CAMPAIGN FINANCE ENTITY IS ON
14 INACTIVE STATUS.

15 (D) THE STATE BOARD SHALL REMOVE A CAMPAIGN FINANCE ENTITY
16 FROM INACTIVE STATUS IF:

17 (1) THE CANDIDATE NO LONGER HOLDS A POSITION LISTED IN
18 SUBSECTION (A)(1) OF THIS SECTION;

19 (2) THE CANDIDATE:

20 (I) SUBMITTED AN AFFIDAVIT UNDER SUBSECTION (A)(2)
21 OF THIS SECTION REQUESTING THAT THE CAMPAIGN FINANCE ENTITY BE
22 PLACED ON INACTIVE STATUS; AND

23 (II) REQUESTS THAT THE STATE BOARD REMOVE THE
24 CAMPAIGN FINANCE ENTITY FROM INACTIVE STATUS; OR

25 (3) THE CAMPAIGN FINANCE ENTITY HAS BEEN ON INACTIVE
26 STATUS FOR THREE CONSECUTIVE ELECTION CYCLES.

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