

SENATE BILL 1056

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By: **Senator Ferguson**

Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session

Introduced and read first time: March 5, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Independent Expenditures and Electioneering**
3 **Communications – Disclosure**

4 FOR the purpose of requiring a person who makes a certain amount of independent
5 expenditures or electioneering communications to register and file certain
6 reports with the State Board of Elections within a certain time; requiring an
7 independent expenditure or electioneering communication report to identify
8 persons who made donations of a certain amount to the person making the
9 independent expenditure or electioneering communication; requiring a person to
10 file an amended independent expenditure or electioneering communication
11 report under certain circumstances; authorizing the State Board to assess
12 certain civil penalties for failure to file properly an independent expenditure or
13 electioneering communication report; requiring a political committee that
14 makes only independent expenditures or electioneering communications to file
15 campaign finance reports at certain times and subject to certain sanctions;
16 providing for the application of certain provisions of this Act; defining certain
17 terms; altering certain definitions; providing for a delayed effective date; and
18 generally relating to independent expenditures and electioneering
19 communications.

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 13–306 and 13–307
23 Annotated Code of Maryland
24 (2010 Replacement Volume and 2012 Supplement)

25 BY adding to
26 Article – Election Law
27 Section 13–309.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2012 Supplement)

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

5 **Article – Election Law**

6 13–306.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) (I) “Donation” means the gift or transfer, or promise of gift or
9 transfer, of money or other thing of value to a person [that is made for the purpose of
10 furthering] WHO MAKES independent expenditures.

11 (II) **“DONATION” DOES NOT INCLUDE ANY AMOUNT OF**
12 **MONEY OR ANY OTHER THING OF VALUE:**

13 1. RECEIVED BY A PERSON IN THE ORDINARY
14 COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON OR IN THE
15 FORM OF INVESTMENTS IN THE PERSON’S BUSINESS; OR

16 2. A. THAT THE DONOR AND THE PERSON
17 RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING
18 MAY NOT BE USED FOR INDEPENDENT EXPENDITURES; AND

19 B. IN THE CASE OF A MONETARY DONATION, IS
20 DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR
21 INDEPENDENT EXPENDITURES.

22 (3) **“E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**
23 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**
24 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

25 [(3)] (4) “Mass mailing” means a mailing by United States mail or
26 facsimile of more than 500 pieces of mail matter of an identical or substantially
27 similar nature within any 30-day period.

28 [(4)] (5) (i) “Person” includes an individual, a partnership, a
29 committee, an association, a corporation, a labor organization, or any other
30 organization or group of persons.

31 (ii) “Person” does not include a campaign finance entity
32 organized under Subtitle 2, Part II of this title.

1 **[(5)] (6)** (i) “Public communication” means a communication by
2 means of any broadcast **TELEVISION OR RADIO COMMUNICATION**, cable
3 **TELEVISION COMMUNICATION**, [or] satellite **TELEVISION OR RADIO**
4 communication, newspaper, magazine, outdoor advertising facility, mass mailing,
5 **E-MAIL BLAST, TEXT BLAST**, or telephone bank to the general public, or any other
6 form of general public political advertising.

7 (ii) “Public communication” does not include:

8 1. a news story, a commentary, or an editorial
9 disseminated by a broadcasting station, including a cable television operator,
10 programmer, or producer, satellite television or radio provider, Web site, newspaper,
11 magazine, or other periodical publication, including any Internet or electronic
12 publication, that is not controlled by a candidate or political party; or

13 2. a candidate debate or forum.

14 **[(6)] (7)** “Telephone bank” means more than 500 telephone calls of an
15 identical or substantially similar nature within any 30-day period.

16 **(8) “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES**
17 **OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE**
18 **TELEPHONE NUMBERS SIMULTANEOUSLY.**

19 **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**
20 **INDEPENDENT EXPENDITURES OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**
21 **CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, THE PERSON SHALL**
22 **FILE A REGISTRATION FORM WITH THE STATE BOARD.**

23 **[(b)] (C)** [After] **WITHIN 48 HOURS AFTER A DAY ON WHICH** a person
24 makes aggregate independent expenditures of \$10,000 or more in an election cycle for
25 campaign material that is a public communication, the person shall file an
26 independent expenditure report [as required in this section] **WITH THE STATE**
27 **BOARD.**

28 **[(c)] (1)** If the campaign material relates to a candidate, the person shall
29 file an independent expenditure report with the State Board on the next date a
30 campaign finance entity of a candidate is required to file a campaign finance report
31 under § 13-309 of this subtitle.

32 **(2)** If the campaign material relates to a ballot issue, the person shall
33 file an independent expenditure report with the State Board on the next date a ballot
34 issue committee is required to file a campaign finance report under § 13-309 of this
35 subtitle.

1 (3) An independent expenditure report filed under this subsection
2 shall include the information required by subsection (e) of this section for the period
3 from the beginning of the election cycle through the last day of the reporting period
4 under § 13–312 of this subtitle that precedes the report filing date.]

5 (d) [(1)] A person who files an independent expenditure report under
6 subsection (c) of this section shall file an additional independent expenditure report
7 [following a date on which] **WITH THE STATE BOARD WITHIN 48 HOURS AFTER A**
8 **DAY ON WHICH** the person makes aggregate independent expenditures of \$10,000 or
9 more for campaign material that is a public communication following the closing date
10 of the person’s previous independent expenditure report.

11 [(2) An independent expenditure report under this subsection shall:

12 (i) be filed with the State Board on the date specified in
13 subsection (c)(1) and (2) of this section; and

14 (ii) include the information required by subsection (e) of this
15 section for the period from the closing date of the previous independent expenditure
16 report through the last day of the reporting period under § 13–312 of this subtitle that
17 precedes the report filing date.]

18 (e) An independent expenditure report shall include the following
19 information:

20 (1) the identity of the person making the independent expenditures
21 and of any person exercising direction or control over the activities of the person
22 making the independent expenditures;

23 (2) the business address of the person making the independent
24 expenditures;

25 (3) the amount and date of each independent expenditure during the
26 period covered by the report and the person to whom the expenditure was made;

27 (4) the candidate or ballot issue to which the independent expenditure
28 relates and whether the independent expenditure supports or opposes that candidate
29 or ballot issue; and

30 (5) the identity of each person who made cumulative donations [in
31 excess] of **[\$51] \$10,000 OR MORE** to the person making the independent
32 expenditures during the period covered by the report.

33 (f) For purposes of this section, a person shall be considered to have made an
34 independent expenditure if the person has executed a contract to make an
35 independent expenditure.

1 (g) The cost of creating and disseminating campaign material, including any
2 design and production costs, shall be considered in determining the aggregate amount
3 of independent expenditures made by a person for campaign material that is a public
4 communication under this section.

5 (h) The treasurer or other individual designated by an entity required to file
6 an independent expenditure report under this section:

7 (1) shall sign each independent expenditure report; and

8 (2) is responsible for filing independent expenditure reports in full and
9 accurate detail.

10 (i) (1) [An individual is subject to the sanctions that apply to the
11 responsible officers of a campaign finance entity under Part VII of this subtitle for
12 failure to file properly an independent expenditure report.

13 (2) The failure] **A PERSON WHO FAILS** to provide on an independent
14 expenditure report all of the information required by this section [is deemed a failure
15 to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as
16 provided in § 13-327(b) of this subtitle.

17 (2) **IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,**
18 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**
19 **PROPERLY AN INDEPENDENT EXPENDITURE REPORT OR AN AMENDED**
20 **INDEPENDENT EXPENDITURE REPORT IN AN AMOUNT NOT EXCEEDING THE**
21 **GREATER OF:**

22 (I) **\$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**
23 **INDEPENDENT EXPENDITURE REPORT OR AN AMENDED INDEPENDENT**
24 **EXPENDITURE REPORT IS OVERDUE; OR**

25 (II) **10% OF THE AMOUNT OF THE DONATIONS OR**
26 **INDEPENDENT EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY**
27 **MANNER.**

28 (3) **A CIVIL PENALTY UNDER PARAGRAPH (2) OF THIS**
29 **SUBSECTION SHALL BE:**

30 (I) **ASSESSED BY THE STATE PROSECUTOR IN THE MANNER**
31 **SPECIFIED IN § 13-604 OF THIS TITLE; AND**

32 (II) **DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

1 **(4) A PERSON WHO FAILS TO FILE PROPERLY AN INDEPENDENT**
2 **EXPENDITURE REPORT OR AN AMENDED INDEPENDENT EXPENDITURE REPORT**
3 **UNDER THIS SECTION MAY SEEK RELIEF FROM A PENALTY UNDER PARAGRAPH**
4 **(2) OF THIS SUBSECTION FOR JUST CAUSE AS PROVIDED IN § 13-337 OF THIS**
5 **SUBTITLE.**

6 (j) (1) An entity required to file an independent expenditure report under
7 this section shall do at least one of the following, unless neither are applicable to the
8 entity:

9 (i) if the entity submits regular, periodic reports to its
10 shareholders, members, or donors, include in each report, in a clear and conspicuous
11 manner, the information specified in subsection (e)(3) through (5) of this section for
12 each independent expenditure made during the period covered by the report that must
13 be included in an independent expenditure report; or

14 (ii) if the entity maintains an Internet site, post on that Internet
15 site a hyperlink from its homepage to the Internet site where the entity's independent
16 expenditure report information is publicly available.

17 (2) An entity shall post the hyperlink required under paragraph (1)(ii)
18 of this subsection within 24 hours of the entity's independent expenditure report
19 information being made publicly available on the Internet, and the hyperlink shall
20 remain posted on the entity's Internet site until the end of the election cycle during
21 which the entity filed an independent expenditure report.

22 (k) (1) A person required to file an independent expenditure report under
23 this section shall keep detailed and accurate records of:

24 (i) all independent expenditures made by the person for
25 campaign material that is a public communication; and

26 (ii) all donations received by the person [that are for the
27 purpose of furthering independent expenditures for campaign material that is a public
28 communication].

29 (2) Records required to be kept under this subsection shall be
30 preserved for 2 years after the end of the election cycle in which the person filed the
31 independent expenditure report to which the records relate.

32 (l) The State Board may adopt regulations as necessary to implement the
33 requirements of this section.

34 13-307.

35 (a) (1) In this section the following words have the meanings indicated.

1 (2) **(I)** “Donation” means the gift or transfer, or promise of gift or
2 transfer, of money or other thing of value to a person that [is made for the purpose of
3 furthering] **MAKES DISBURSEMENTS FOR** electioneering communications.

4 **(II) “DONATION” DOES NOT INCLUDE ANY AMOUNT OF**
5 **MONEY OR ANY OTHER THING OF VALUE:**

6 **1. RECEIVED BY A PERSON IN THE ORDINARY**
7 **COURSE OF ANY TRADE OR BUSINESS CONDUCTED BY THE PERSON OR IN THE**
8 **FORM OF INVESTMENTS IN THE PERSON’S BUSINESS; OR**

9 **2. A. THAT THE DONOR AND THE PERSON**
10 **RECEIVING THE MONEY OR THING OF VALUE EXPRESSLY AGREE IN WRITING**
11 **MAY NOT BE USED FOR ELECTIONEERING COMMUNICATIONS; AND**

12 **B. IN THE CASE OF A MONETARY DONATION, IS**
13 **DEPOSITED IN A SEPARATE BANK ACCOUNT THAT IS NEVER USED FOR**
14 **ELECTIONEERING COMMUNICATIONS.**

15 (3) **(i)** “Electioneering communication” means a broadcast
16 **TELEVISION OR RADIO COMMUNICATION, A cable TELEVISION COMMUNICATION,**
17 **[or] A satellite TELEVISION OR RADIO communication, A MASS MAILING, AN**
18 **E-MAIL BLAST, A TEXT BLAST, A TELEPHONE BANK, OR AN ADVERTISEMENT IN A**
19 **PRINT PUBLICATION that:**

20 1. refers to a clearly identified candidate or ballot issue;

21 2. is made within 60 days of an election day on which
22 the candidate or ballot issue is on the ballot;

23 3. is capable of being received by:

24 **A. 50,000 or more individuals in the constituency where**
25 **the candidate or ballot issue is on the ballot IF THE COMMUNICATION IS**
26 **TRANSMITTED BY TELEVISION OR RADIO; OR**

27 **B. 5,000 OR MORE INDIVIDUALS IN THE**
28 **CONSTITUENCY WHERE THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT IF**
29 **THE COMMUNICATION IS A MASS MAILING, AN E-MAIL BLAST, A TEXT BLAST, A**
30 **TELEPHONE BANK, OR AN ADVERTISEMENT IN A PRINT PUBLICATION; and**

1 4. is not made in coordination with, or at the request or
2 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a
3 candidate, or a ballot issue committee.

4 (ii) “Electioneering communication” does not include:

5 1. an independent expenditure;

6 2. a news story, a commentary, or an editorial
7 disseminated by a broadcasting station, including a cable television operator,
8 programmer, or producer, or satellite television or radio provider that is not controlled
9 by a candidate or political party;

10 3. a candidate debate or forum; or

11 4. a communication that proposes a commercial
12 transaction.

13 (iii) For purposes of this paragraph, “clearly identified” means:

14 1. the name of a candidate appears;

15 2. a photograph or drawing of a candidate appears; or

16 3. the identity of a candidate or ballot issue is apparent
17 by unambiguous reference.

18 **(4) “E-MAIL BLAST” MEANS A TRANSMISSION OF ELECTRONIC**
19 **MAIL MESSAGES OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO**
20 **5,000 OR MORE E-MAIL ACCOUNTS SIMULTANEOUSLY.**

21 **(5) “MASS MAILING” MEANS A MAILING BY UNITED STATES MAIL**
22 **OR FACSIMILE OF MORE THAN 5,000 PIECES OF MAIL MATTER OF AN IDENTICAL**
23 **OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY 30-DAY PERIOD.**

24 **[(4)] (6)** (i) “Person” includes an individual, a partnership, a
25 committee, an association, a corporation, a labor organization, or any other
26 organization or group of persons.

27 (ii) “Person” does not include a campaign finance entity
28 organized under Subtitle 2, Part II of this title.

29 **(7) “TELEPHONE BANK” MEANS MORE THAN 5,000 TELEPHONE**
30 **CALLS OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY**
31 **30-DAY PERIOD.**

1 **(8) “TEXT BLAST” MEANS A TRANSMISSION OF TEXT MESSAGES**
2 **OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE TO 5,000 OR MORE**
3 **TELEPHONE NUMBERS SIMULTANEOUSLY.**

4 **(B) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE**
5 **DISBURSEMENTS OF \$5,000 OR MORE IN AN ELECTION CYCLE FOR**
6 **ELECTIONEERING COMMUNICATIONS, THE PERSON SHALL FILE A**
7 **REGISTRATION FORM WITH THE STATE BOARD.**

8 **[(b) (C) [After] WITHIN 48 HOURS AFTER A DAY ON WHICH** a person
9 makes aggregate disbursements of \$10,000 or more in an election cycle for
10 electioneering communications, the person shall file an electioneering communication
11 report **[as required in this section] WITH THE STATE BOARD.**

12 **[(c) (1) If the electioneering communications relate to a candidate, the**
13 **person shall file an electioneering communication report with the State Board on the**
14 **next date a campaign finance entity of a candidate is required to file a campaign**
15 **finance report under § 13–309 of this subtitle.**

16 **(2) If the electioneering communications relate to a ballot issue, the**
17 **person shall file an electioneering communication report with the State Board on the**
18 **next date a ballot issue committee is required to file a campaign finance report under §**
19 **13–309 of this subtitle.**

20 **(3) An electioneering communication report filed under this subsection**
21 **shall include the information required by subsection (e) of this section for the period**
22 **from the beginning of the election cycle through the last day of the reporting period**
23 **under § 13–312 of this subtitle that precedes the report filing date.]**

24 **(d) [(1)] A person who files an electioneering communication report under**
25 **subsection (c) of this section shall file an additional electioneering communication**
26 **report [following a date on which] WITH THE STATE BOARD WITHIN 48 HOURS**
27 **AFTER A DAY ON WHICH the person makes aggregate disbursements of \$10,000 or**
28 **more for electioneering communications following the closing date of the person’s**
29 **previous electioneering communication report.**

30 **[(2) An electioneering communication report under this subsection**
31 **shall:**

32 **(i) be filed with the State Board on the date specified in**
33 **subsection (c)(1) and (2) of this section; and**

34 **(ii) include the information required by subsection (e) of this**
35 **section for the period from the closing date of the previous electioneering**
36 **communication report through the last day of the reporting period under § 13–312 of**
37 **this subtitle that precedes the report filing date.]**

1 (e) An electioneering communication report shall include the following
2 information:

3 (1) the identity of the person making disbursements for electioneering
4 communications and of any person exercising direction or control over the activities of
5 the person making the disbursements for electioneering communications;

6 (2) the business address of the person making the disbursements for
7 electioneering communications;

8 (3) the amount and date of each disbursement for electioneering
9 communications during the period covered by the report and the person to whom the
10 disbursement was made;

11 (4) the candidate or ballot issue to which the electioneering
12 communications relate;

13 (5) the identity of each person who made cumulative donations [in
14 excess] of [**\$51**] **\$10,000 OR MORE** to the person making the disbursements for
15 electioneering communications during the period covered by the report.

16 (f) (1) For purposes of this section, a person shall be considered to have
17 made a disbursement for an electioneering communication if the person has executed
18 a contract to make a disbursement for an electioneering communication.

19 (2) A person who makes a contribution to a campaign finance entity
20 may not be considered to have made a disbursement for electioneering
21 communications under this section because of the contribution.

22 (g) The cost of creating and disseminating electioneering communications,
23 including any design and production costs, shall be considered in determining the
24 aggregate amount of disbursements for electioneering communications made by a
25 person under this section.

26 (h) The treasurer or other individual designated by an entity required to file
27 an electioneering communication report under this section:

28 (1) shall sign each electioneering communication report; and

29 (2) is responsible for filing electioneering communication reports in
30 full and accurate detail.

31 (i) (1) [An individual is subject to the sanctions that apply to the
32 responsible officers of a campaign finance entity under Part VII of this subtitle for
33 failure to file properly an electioneering communication report.

1 (2) The failure] **A PERSON WHO FAILS** to provide on an electioneering
2 communication report all of the information required by this section [is deemed a
3 failure to file and renders the report overdue] **SHALL FILE AN AMENDED REPORT** as
4 provided in § 13–327(b) of this subtitle.

5 **(2) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW,**
6 **THE STATE BOARD MAY ASSESS A CIVIL PENALTY FOR FAILURE TO FILE**
7 **PROPERLY AN ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
8 **ELECTIONEERING COMMUNICATION REPORT IN AN AMOUNT NOT EXCEEDING**
9 **THE GREATER OF:**

10 **(I) \$1,000 FOR EACH DAY OR PART OF A DAY THAT AN**
11 **ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
12 **ELECTIONEERING COMMUNICATION REPORT IS OVERDUE; OR**

13 **(II) 10% OF THE AMOUNT OF THE DONATIONS OR**
14 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS THAT WERE NOT**
15 **REPORTED IN A TIMELY MANNER.**

16 **(3) A PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION**
17 **SHALL BE:**

18 **(I) ASSESSED BY THE STATE PROSECUTOR IN THE MANNER**
19 **SPECIFIED IN § 13–604 OF THIS TITLE; AND**

20 **(II) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

21 **(4) A PERSON WHO FAILS TO FILE PROPERLY AN**
22 **ELECTIONEERING COMMUNICATION REPORT OR AN AMENDED**
23 **ELECTIONEERING COMMUNICATION REPORT UNDER THIS SECTION MAY SEEK**
24 **RELIEF FROM A PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR**
25 **JUST CAUSE AS PROVIDED IN § 13–337 OF THIS SUBTITLE.**

26 (j) (1) An entity required to file an electioneering communication report
27 under this section shall do at least one of the following, unless neither are applicable
28 to the entity:

29 (i) if the entity submits regular, periodic reports to its
30 shareholders, members, or donors, include in each report in a clear and conspicuous
31 manner, the information specified in subsection (e)(3) through (5) of this section for
32 each disbursement for electioneering communications made during the period covered
33 by the report that must be included in an electioneering communication report; or

1 (ii) if the entity maintains an Internet site, post on that Internet
2 site a hyperlink from its homepage to the Internet site where the entity's
3 electioneering communication report information is publicly available.

4 (2) (i) An entity shall post the hyperlink required under paragraph
5 (1)(ii) of this subsection within 24 hours of the entity's electioneering communication
6 report information being made publicly available on the Internet.

7 (ii) The hyperlink shall remain posted on the entity's Internet
8 site until the end of the election cycle during which the entity filed an electioneering
9 communication report.

10 (k) (1) A person required to file an electioneering communication report
11 under this section shall keep detailed and accurate records of:

12 (i) all disbursements for electioneering communications made
13 by the person; and

14 (ii) all donations received by the person [that are for the
15 purpose of furthering electioneering communications].

16 (2) Records required to be kept under this subsection shall be
17 preserved until 2 years after the end of the election cycle in which the person filed the
18 electioneering communication report to which the records relate.

19 (l) The State Board may adopt regulations as necessary to implement the
20 requirements of this section.

21 **13-309.1.**

22 (A) IN THIS SECTION, "ELECTIONEERING COMMUNICATION" HAS THE
23 MEANING STATED IN § 13-307(A) OF THIS SUBTITLE.

24 (B) THIS SECTION APPLIES TO A POLITICAL COMMITTEE IF THE
25 EXPENDITURES OF THE POLITICAL COMMITTEE ARE EXCLUSIVELY:

26 (1) INDEPENDENT EXPENDITURES; OR

27 (2) DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

28 (C) FOR PURPOSES OF THIS SECTION, A POLITICAL COMMITTEE SHALL
29 BE CONSIDERED TO HAVE MADE AN EXPENDITURE IF THE POLITICAL
30 COMMITTEE HAS EXECUTED A CONTRACT TO MAKE AN EXPENDITURE.

1 **(D) THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER THIS SECTION**
2 **ARE IN ADDITION TO THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER §**
3 **13-309 OF THIS SUBTITLE.**

4 **(E) WITHIN 48 HOURS AFTER A DAY ON WHICH A POLITICAL**
5 **COMMITTEE SUBJECT TO THIS SECTION MAKES AGGREGATE EXPENDITURES OF**
6 **\$10,000 OR MORE IN AN ELECTION CYCLE, THE POLITICAL COMMITTEE SHALL**
7 **FILE A CAMPAIGN FINANCE REPORT.**

8 **(F) A POLITICAL COMMITTEE THAT FILES A CAMPAIGN FINANCE**
9 **REPORT UNDER SUBSECTION (E) OF THIS SECTION SHALL FILE AN ADDITIONAL**
10 **CAMPAIGN FINANCE REPORT WITHIN 48 HOURS AFTER A DAY ON WHICH THE**
11 **POLITICAL COMMITTEE MAKES AGGREGATE EXPENDITURES OF \$10,000 OR**
12 **MORE FOLLOWING THE CLOSING DATE OF THE POLITICAL COMMITTEE'S**
13 **PREVIOUS CAMPAIGN FINANCE REPORT.**

14 **(G) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, THE**
15 **STATE BOARD MAY ASSESS A PENALTY FOR FAILURE TO FILE PROPERLY A**
16 **CAMPAIGN FINANCE REPORT OR AN AMENDED CAMPAIGN FINANCE REPORT**
17 **REQUIRED UNDER THIS SECTION IN AN AMOUNT NOT EXCEEDING THE GREATER**
18 **OF:**

19 **(1) \$1,000 FOR EACH DAY OR PART OF A DAY THAT A CAMPAIGN**
20 **FINANCE REPORT OR AN AMENDED CAMPAIGN FINANCE REPORT IS OVERDUE;**
21 **OR**

22 **(2) 10% OF THE AMOUNT OF THE CONTRIBUTIONS OR**
23 **EXPENDITURES THAT WERE NOT REPORTED IN A TIMELY MANNER.**

24 **(H) A PERSON WHO FAILS TO FILE PROPERLY A CAMPAIGN FINANCE**
25 **REPORT OR AN AMENDED CAMPAIGN FINANCE REPORT UNDER THIS SECTION**
26 **MAY SEEK RELIEF FROM A PENALTY UNDER SUBSECTION (G) OF THIS SECTION**
27 **FOR JUST CAUSE AS PROVIDED IN § 13-337 OF THIS SUBTITLE.**

28 **(I) A PENALTY UNDER SUBSECTION (G) OF THIS SECTION SHALL BE:**

29 **(1) ASSESSED BY THE STATE PROSECUTOR IN THE MANNER**
30 **SPECIFIED IN § 13-604 OF THIS TITLE; AND**

31 **(2) DISTRIBUTED TO THE GENERAL FUND OF THE STATE.**

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