

# SENATE BILL 755

G1

(5lr2542)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Ways and Means* —

Introduced by **Senator Simonaire**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Election Law – Campaign Finance – Central Committee Candidates**

3 FOR the purpose of providing that a certain provision of law relating to campaign finance  
4 entities does not apply to certain candidates for election to the central committee of  
5 a political party; requiring certain candidates for election to the central committee  
6 of a political party to keep a certain account book, preserve the account book for  
7 certain purposes and for a certain period of time, and file a certain affidavit with the  
8 certificate of candidacy; requiring a candidate for election to the central committee  
9 of a political party to pay a certain civil penalty under certain circumstances;  
10 specifying that a certain civil penalty is a civil offense; requiring certain individuals  
11 to issue a certain civil citation; requiring that the citation be served in a certain  
12 manner; requiring the District Court, on receipt of a certain citation, to schedule a  
13 certain trial and notify a certain candidate of certain information; requiring the  
14 District Court to conduct a certain trial in a certain manner ~~and remit certain fees~~  
15 ~~to the State Board of Elections~~; providing that an adjudication of a certain violation

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 is not a criminal conviction; providing that a certain candidate is liable for certain  
 2 costs; authorizing the District Court, under certain circumstances, to dismiss a  
 3 certain citation or enter a certain civil judgment; *requiring that certain civil penalties*  
 4 *be distributed to the Fair Campaign Financing Fund;* and generally relating to  
 5 campaign finance requirements related to candidates for election to the central  
 6 committee of a political party.

7 BY repealing and reenacting, with amendments,  
 8 Article – Election Law  
 9 Section 13–202 and 13–221  
 10 Annotated Code of Maryland  
 11 (2010 Replacement Volume and 2014 Supplement)

12 BY adding to  
 13 Article – Election Law  
 14 Section 13–305.1 and 13–604.2  
 15 Annotated Code of Maryland  
 16 (2010 Replacement Volume and 2014 Supplement)

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

19 **Article – Election Law**

20 13–202.

21 **(A) THIS SECTION DOES NOT APPLY TO A CANDIDATE FOR ELECTION TO THE**  
 22 **CENTRAL COMMITTEE OF A POLITICAL PARTY IF THE CANDIDATE DURING AN**  
 23 **ELECTION CYCLE DOES NOT:**

24 **(1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR**

25 **(2) ACCEPT CONTRIBUTIONS.**

26 **[(a)] (B)** Unless otherwise expressly authorized by law, all campaign finance  
 27 activity for an election under this article shall be conducted through a campaign finance  
 28 entity.

29 **[(b)] (C)** An individual may not file a certificate of candidacy or a declaration of  
 30 intent under § 5–703 or § 5–703.1 of this article until the individual establishes, or causes  
 31 to be established, an authorized candidate campaign committee.

32 13–221.

1           (a)   (1)   The treasurer of a campaign finance entity shall keep a detailed and  
2 accurate account book of all assets received, expenditures made, and obligations incurred  
3 by or on behalf of the entity.

4           (2)   Except as provided in § 13–240 of this subtitle, as to each asset received  
5 or expenditure made, the account book shall state:

6                   (i)   its amount or value;

7                   (ii)  the date of the receipt or expenditure;

8                   (iii) the name and address of the person from whom the asset was  
9 received or to whom the expenditure was made; and

10                  (iv)  a description of the asset received or the purpose for which the  
11 expenditure was made.

12           (3)   (i)   To the extent practicable, the treasurer of a campaign finance  
13 entity shall record the occupation and employer of an individual who makes contributions  
14 to the campaign finance entity in a cumulative amount of \$500 or more during an election  
15 cycle.

16                  (ii)  The State Board shall:

17                           1.   promptly provide notice to the treasurer of a campaign  
18 finance entity if a contributor included on a campaign finance report submitted by the  
19 treasurer has made contributions to the campaign finance entity in a cumulative amount  
20 of \$500 or more during the election cycle; and

21                           2.   require a standard response that a treasurer shall include  
22 in the campaign finance report if a contributor does not supply the information required  
23 concerning the contributor's occupation and employer.

24           (4)   Each expenditure made from a campaign account shall be supported by  
25 a receipt.

26           (b)   The account books and related records of a campaign finance entity shall be  
27 preserved until the earlier of:

28                   (1)   10 years after the creation of an account book entry or related record;  
29 or

30                   (2)   2 years after the campaign finance entity files a final campaign finance  
31 report under Subtitle 3 of this title.

1 (C) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A  
2 POLITICAL PARTY WHO IS EXEMPT ~~FROM § 13-202~~ UNDER § 13-202(A) OF THIS  
3 SUBTITLE SHALL:

4 (1) KEEP A DETAILED AND ACCURATE ACCOUNT BOOK OF ALL  
5 EXPENDITURES MADE BY THE CANDIDATE; AND

6 (2) PRESERVE THE ACCOUNT BOOK REQUIRED UNDER ITEM (1) OF  
7 THIS SUBSECTION FOR AUDITING PURPOSES UNTIL 2 YEARS AFTER THE END OF THE  
8 ELECTION CYCLE.

9 **13-305.1.**

10 A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A POLITICAL  
11 PARTY WHO IS EXEMPT ~~FROM~~ UNDER § 13-202(A) OF THIS TITLE SHALL FILE WITH  
12 THE CERTIFICATE OF CANDIDACY AN AFFIDAVIT STATING THAT THE CANDIDATE  
13 DURING THE ELECTION CYCLE WILL NOT:

14 (1) SPEND MORE THAN \$1,000 IN PERSONAL FUNDS; OR

15 (2) ACCEPT CONTRIBUTIONS.

16 **13-604.2.**

17 (A) A CANDIDATE FOR ELECTION TO THE CENTRAL COMMITTEE OF A  
18 POLITICAL PARTY SHALL PAY A CIVIL PENALTY OF \$1,000 IN ACCORDANCE WITH  
19 SUBSECTIONS (B) THROUGH (F) OF THIS SECTION IF THE CANDIDATE:

20 (1) IS NOT EXEMPT FROM § 13-202 OF THIS TITLE AND FAILS TO  
21 CONDUCT CAMPAIGN FINANCE ACTIVITY THROUGH A CAMPAIGN FINANCE ENTITY;  
22 OR

23 (2) VIOLATES § 13-221(C) OR § 13-305.1 OF THIS TITLE.

24 (B) (1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH  
25 JURISDICTION DETERMINES THAT A CANDIDATE IS REQUIRED TO PAY A CIVIL  
26 PENALTY UNDER SUBSECTION (A) OF THIS SECTION, THE STATE PROSECUTOR, THE  
27 STATE'S ATTORNEY, OR BOTH SHALL ISSUE TO THE CANDIDATE A CIVIL CITATION  
28 THAT CONTAINS:

29 (I) THE NAME AND ADDRESS OF THE CANDIDATE CITED;

30 (II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;

1 (III) THE MANNER IN WHICH THE VIOLATION OCCURRED;

2 (IV) THE PENALTY FOR THE VIOLATION;

3 (V) THE MANNER AND TIME IN WHICH TO PAY THE PENALTY;

4 (VI) WHERE TO PAY THE PENALTY; AND

5 (VII) A STATEMENT THAT THE CANDIDATE RECEIVING THE  
6 CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.

7 (2) THE PROSECUTING AUTHORITY WHO ISSUES A CITATION UNDER  
8 PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE THE CITATION IN THE DISTRICT  
9 COURT.

10 (C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE  
11 MARYLAND RULES.

12 (D) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT  
13 SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE CANDIDATE NAMED IN THE  
14 CITATION OF THE TRIAL DATE.

15 (2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN  
16 THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108,  
17 6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.

18 (3) ~~THE DISTRICT COURT SHALL REMIT TO THE STATE BOARD ALL~~  
19 ~~LATE FEES COLLECTED.~~

20 (4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:

21 (I) IS NOT A CRIMINAL CONVICTION; AND

22 (II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES  
23 THAT ARISE FROM A CRIMINAL CONVICTION.

24 (E) A CANDIDATE WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A  
25 CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE  
26 COST OF THE DISTRICT COURT PROCEEDINGS.

27 (F) IF A CANDIDATE WHO HAS BEEN SERVED WITH A CITATION FAILS TO  
28 APPEAR FOR TRIAL, THE DISTRICT COURT, AT THE REQUEST OF THE PROSECUTOR,  
29 MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE  
30 CANDIDATE:

- 1           (1)    IN FAVOR OF THE STATE BOARD;
- 2           (2)    IN ACCORDANCE WITH THE MARYLAND RULES; AND
- 3           (3)    IN AN AMOUNT OF \$1,000 ~~AND ANY LATE FEES OWED TO THE~~
- 4 ~~STATE BOARD.~~

5           **(G) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED**  
6 **TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS**  
7 **ARTICLE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.