

SENATE BILL 185

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By: **Senators Kelley, Colburn, Conway, Currie, Exum, Jones, Pugh, and Robey**
Introduced and read first time: January 20, 2010
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Use of Campaign Funds for Meeting and Conference Expenses**

3 FOR the purpose of including a disbursement to pay the costs for travel, lodging,
4 meals, and registration expenses to attend certain meetings or conferences as
5 an allowable expenditure of funds from a campaign account under the State
6 election law; and generally relating to the use of campaign funds to pay
7 expenses for a candidate’s or an elected official’s attendance at certain meetings
8 and conferences.

9 BY repealing and reenacting, without amendments,
10 Article – Election Law
11 Section 1–101(o) and 13–218
12 Annotated Code of Maryland
13 (2003 Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 1–101(aa)
17 Annotated Code of Maryland
18 (2003 Volume and 2009 Supplement)

19 Preamble

20 WHEREAS, Campaign contributions regulated by the Maryland State Board of
21 Elections may be used for legally procured goods and services which “... promote or
22 assist in the promotion of the success or defeat of a candidate...”; i.e., to enhance the
23 electability of the person on whose behalf the campaign finance entity is established;
24 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, State election law does not explicitly specify or limit the categories
2 of expenditures that a campaign finance entity may make from a campaign account to
3 "... promote or assist in the promotion of the success or defeat of a candidate..."; and

4 WHEREAS, A letter of advice issued July 22, 2009, by the Attorney General of
5 Maryland, Office of Counsel to the General Assembly, advises that campaign funds
6 may not be used to fund a State legislator's travel, lodging, meals, and registration
7 expenses at a legislative conference; and

8 WHEREAS, The purposes of many such meetings and conferences are to: (1)
9 educate participants about the legislative process; (2) inform participants regarding
10 other states' legislative solutions to similar problems that may be impacting
11 Maryland; and (3) engage participants about issues and strategies to address matters
12 emanating from the federal government; now, therefore,

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

15 **Article – Election Law**

16 1–101.

17 (o) (1) "Contribution" means the gift or transfer, or promise of gift or
18 transfer, of money or other thing of value to a campaign finance entity to promote or
19 assist in the promotion of the success or defeat of a candidate, political party, or
20 question.

21 (2) "Contribution" includes proceeds from the sale of tickets to a
22 campaign fund-raising event.

23 (aa) (1) "Expenditure" means a gift, transfer, disbursement, or promise of
24 money or a thing of value by or on behalf of a campaign finance entity to:

25 [(1)] (I) promote or assist in the promotion of the success or defeat of
26 a candidate, political party, or question at an election; or

27 [(2)] (II) pay for the publication expense of a legislative newsletter
28 under Title 13, Subtitle 4 of this article.

29 (2) **"EXPENDITURE" INCLUDES A DISBURSEMENT TO PAY THE**
30 **COSTS FOR TRAVEL, LODGING, MEALS, AND REGISTRATION EXPENSES FOR A**
31 **CANDIDATE OR AN ELECTED OFFICIAL TO ATTEND A MEETING OR CONFERENCE**
32 **THAT IS FOCUSED ON LEGISLATIVE ISSUES, THE LEGISLATIVE PROCESS, OR**
33 **PUBLIC POLICY ANALYSES AND DISCUSSIONS PERTINENT TO THE OFFICE THE**
34 **INDIVIDUAL SEEKS OR HOLDS.**

1 13–218.

2 (a) All assets received by or on behalf of a campaign finance entity shall be:

3 (1) delivered to the treasurer; and

4 (2) maintained by the treasurer for the purposes of the campaign
5 finance entity.

6 (b) (1) Assets of a campaign finance entity may be disbursed only:

7 (i) if they have passed through the hands of the treasurer; and

8 (ii) in accordance with the purposes of the entity.

9 (2) Subject to § 13–220(b)(2) and (c) of this subtitle, the treasurer shall
10 make all disbursements for the campaign finance entity.

11 (c) The treasurer of a State or county central committee of a political party
12 may not make any disbursement of the central committee's assets, or incur any
13 liability on its behalf, without authority and direction from the chairman of the central
14 committee.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010.