

SENATE BILL 453

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By: **Senators Manno and Peters**

Introduced and read first time: January 30, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law and Ethics – Political Parties – Uniform Transparency,**
3 **Disclosure, and Accountability Act**

4 FOR the purpose of requiring the constitution and bylaws of a political party to
5 provide that a central committee shall provide public access to records related to
6 filling a vacancy in public office similar to the requirements of the Public
7 Information Act, shall perform activities related to filling a vacancy in public
8 office in an open and public manner similar to the requirements of the Open
9 Meetings Act, and shall prohibit a member of the central committee from
10 demanding or receiving a bribe related to filling a vacancy in public office;
11 providing that a member of or candidate for election to the State or local central
12 committee is subject to certain financial disclosure requirements; prohibiting a
13 certain State official from being a member of the State or local central
14 committee of a political party; and generally relating to political parties,
15 vacancies in public office, and State and local central committees.

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 4–204
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Government
23 Section 15–103(b)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2012 Supplement)

26 BY adding to
27 Article – State Government
28 Section 15–509

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2012 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Government
5 Section 15–601 and 15–804
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2012 Supplement)

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

10 **Article – Election Law**

11 4–204.

12 (a) Except as otherwise provided in this article, each political party shall
13 adopt and be governed by a constitution and all bylaws and rules adopted in
14 accordance with the constitution.

15 (b) (1) The constitution and bylaws of each political party shall provide:

16 (i) for such matters as in its opinion are necessary for the
17 proper conduct of party affairs;

18 (ii) for the selection of a State governing body;

19 (iii) for the calling of regular meetings, advance notification of
20 meetings, and special notice for special meetings;

21 (iv) for the establishment of a quorum;

22 (v) a method of amending the political party's constitution and
23 bylaws;

24 (vi) procedures for filling a vacancy in a nomination for public
25 office;

26 (vii) for a principal political party, for the convening of a meeting
27 of the central committee within 45 days after the primary election in each
28 gubernatorial election year;

29 (viii) if the political party is required to nominate its candidates
30 by petition, procedures for determining which of two or more party members who
31 qualify for nomination in the same contest shall be designated on the ballot as
32 nominees of the political party; [and]

1 (ix) for the adoption of rules governing the political party; AND

2 (X) THAT A CENTRAL COMMITTEE:

3 1. SHALL PROVIDE PUBLIC ACCESS TO RECORDS
4 RELATED TO FILLING A VACANCY IN PUBLIC OFFICE, SIMILAR TO THE
5 REQUIREMENTS OF THE PUBLIC INFORMATION ACT UNDER TITLE 10,
6 SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

7 2. SHALL PERFORM ACTIVITIES RELATED TO
8 FILLING A VACANCY IN PUBLIC OFFICE IN AN OPEN AND PUBLIC MANNER,
9 SIMILAR TO THE REQUIREMENTS OF THE OPEN MEETINGS ACT UNDER TITLE
10 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE; AND

11 3. SHALL PROHIBIT A MEMBER OF THE CENTRAL
12 COMMITTEE FROM DEMANDING OR RECEIVING A BRIBE RELATED TO FILLING A
13 VACANCY IN PUBLIC OFFICE.

14 (2) The Republican Party State Central Committee may adopt
15 provisions in its constitution and bylaws providing for the removal of members of the
16 Republican State Central Committee who fail to discharge the minimum
17 responsibilities of a State central committee member.

18 (c) (1) In accordance with the constitution and bylaws of a principal
19 political party, the central committee of that party for each county shall adopt a
20 constitution, bylaws, and rules.

21 (2) Until a central committee adopts a constitution, bylaws, and rules,
22 the central committee shall be governed by the State central committee.

23 (d) (1) Within 30 days after the adoption or amendment by a political
24 party of a constitution, bylaw, or rule, the political party shall file a copy of the
25 constitution, bylaw, or rule with the State Board.

26 (2) Within 30 days after the adoption or amendment by a central
27 committee of any county of a constitution, bylaw, or rule, the local central committee
28 shall file a copy of the constitution, bylaw, or rule with the State central committee
29 and the State Board.

30 (e) (1) The constitution and bylaws adopted by a new political party shall
31 conform to the requirements of subsections (a), (b), and (c)(1) of this section.

32 (2) If a new political party decides to form local central committees,
33 the political party shall notify the State Board of the number and size of the local
34 central committees within 6 months after the date the State Board notified the
35 political party that it is considered a State political party.

Article – State Government

1

2 15–103.

3 (b) Except as provided in subsection (f) of this section, the following
4 individuals in executive units are public officials:

5 (1) an individual who receives compensation at a rate equivalent to at
6 least State grade level 16, or who is appointed to a board, if the Ethics Commission
7 determines under § 15–208 of this title that:

8 (i) the individual, acting alone or as a member of an executive
9 unit, has decision making authority or acts as a principal advisor to one with that
10 authority:

11 1. in making State policy in an executive unit; or

12 2. in exercising quasi-judicial, regulatory, licensing,
13 inspecting, or auditing functions; and

14 (ii) the individual's duties are not essentially administrative
15 and ministerial;

16 (2) any other individual in an executive unit, if the Ethics Commission
17 determines that the individual, acting alone or as a member of the executive unit, has
18 decision making authority or acts as a principal advisor to one with that authority in
19 drafting specifications for, negotiating, or executing contracts that commit the State or
20 an executive unit to spend more than \$10,000 in a year;

21 (3) a member, appointee, or employee of the Maryland Stadium
22 Authority;

23 (4) a member, appointee, or employee of the Canal Place Preservation
24 and Development Authority; [and]

25 (5) a member of the Emergency Medical Services Board; AND

26 **(6) WITH RESPECT TO SUBTITLE 6 OF THIS TITLE, A MEMBER OF**
27 **OR CANDIDATE FOR ELECTION TO THE STATE OR LOCAL CENTRAL COMMITTEE**
28 **OF A POLITICAL PARTY.**

29 **15–509.**

30 **A STATE OFFICIAL MAY NOT BE A MEMBER OF THE STATE OR LOCAL**
31 **CENTRAL COMMITTEE OF A POLITICAL PARTY.**

1 15-601.

2 (a) Except as provided in subsections (b) and (c) of this section, and subject to
3 subsections (d) and (e) of this section, each official and candidate for office as a State
4 official shall file a statement as specified in §§ 15-602 through 15-608 of this subtitle.

5 (b) Financial disclosure by a judge of a court under Article IV, § 1 of the
6 Maryland Constitution, a candidate for elective office as a judge, or a judicial
7 appointee as defined in Maryland Rule 16-814 is governed by § 15-610 of this subtitle.

8 (c) The requirement to file a financial disclosure statement under subsection
9 (a) of this section does not apply to:

10 (1) a deputy sheriff and all other employees in the office of the sheriff
11 in a county; and

12 (2) a deputy or assistant State's Attorney and all other employees in
13 the office of the State's Attorney in a county.

14 (d) (1) An individual who is a public official only as a member of a board
15 and who receives annual compensation that is less than 25% of the lowest annual
16 compensation at State grade level 16 shall file the statement required by subsection
17 (a) of this section in accordance with § 15-609 of this subtitle.

18 (2) A member of the Harford County Liquor Control Board shall file
19 the statement required by subsection (a) of this section in accordance with § 15-609 of
20 this subtitle.

21 (e) A commissioner or an applicant for appointment as commissioner of a
22 bicounty commission shall file the statement required by subsection (a) of this section
23 in accordance with Subtitle 8, Part III of this title.

24 15-804.

25 (a) Except as provided in subsection (b) of this section, the conflict of interest
26 provisions enacted by a county or municipal corporation under § 15-803 of this
27 subtitle shall be similar to the provisions of Subtitle 5 of this title, but may be modified
28 to the extent necessary to make the provisions relevant to the prevention of conflicts of
29 interest in that jurisdiction.

30 (b) The conflict of interest provisions for elected local officials enacted by a
31 county or municipal corporation under § 15-803 of this subtitle shall be equivalent to
32 or exceed the requirements of Subtitle 5 of this title, but may be modified to the extent
33 necessary to make the provisions relevant to the prevention of conflicts of interest in
34 that jurisdiction.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.