

SENATE BILL 758

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11r1394

By: **Senators Kittleman and Raskin**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance Entities – Slates – Membership and Campaign Finance**
3 **Transfers and Reporting**

4 FOR the purpose of requiring a member of a slate to be removed from the slate under
5 certain circumstances; requiring the treasurer of a slate to notify the State
6 Board of Elections, within a certain time period of discovering that a member is
7 required to be removed from the slate, that the member be removed; altering
8 the exemption from transfer limits for transfers between a slate and the
9 campaign finance entities of its members; requiring a slate to include in its
10 campaign finance reports certain information regarding slate expenditures and
11 transfers; providing for a delayed effective date; and generally relating to the
12 membership and campaign finance transfers and reporting of slates.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 13–209, 13–227, and 13–304
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

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

20 **Article – Election Law**

21 13–209.

22 (a) Two or more candidates who have established separate campaign finance
23 entities may form a slate.

24 (b) After establishing a campaign finance entity in accordance with §
25 13–202(b) of this subtitle, a candidate may join a slate.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) To join a slate, a candidate shall file a written notice with the State
2 Board.

3 (2) The notice shall specify:

4 (i) the name of the slate that the candidate has joined; and

5 (ii) the date on which the candidate joined the slate.

6 (D) (1) **A MEMBER SHALL BE REMOVED FROM A SLATE IF:**

7 (I) **THE MEMBER IS DECEASED;**

8 (II) **THE MEMBER HAS RETIRED FROM ELECTIVE OFFICE; OR**

9 (III) **FOR THE NEXT ELECTION:**

10 1. **THE MEMBER DOES NOT INTEND TO FILE A**
11 **CERTIFICATE OF CANDIDACY;**

12 2. **IF THE FILING DEADLINE IN § 5-303 OF THIS**
13 **ARTICLE HAS PASSED, THE MEMBER HAS NOT FILED A CERTIFICATE OF**
14 **CANDIDACY;**

15 3. **THE MEMBER HAS WITHDRAWN AS A CANDIDATE**
16 **UNDER § 5-501 OF THIS SUBTITLE; OR**

17 4. **THE MEMBER HAS DECLINED THE NOMINATION**
18 **FOR OFFICE UNDER § 5-801 OF THIS SUBTITLE.**

19 (2) **THE TREASURER OF THE SLATE SHALL NOTIFY THE BOARD**
20 **THAT A MEMBER IS REQUIRED TO BE REMOVED FROM THE SLATE UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER DISCOVERING**
22 **THAT THE MEMBER IS REQUIRED TO BE REMOVED.**

23 13-227.

24 (a) In this section, a “campaign finance entity” includes a nonfederal
25 out-of-state political committee.

26 (b) The limit on transfers set forth in subsection (c) of this section does not
27 apply to a transfer:

28 (1) by a campaign finance entity to a ballot issue committee; AND

1 (2) between or among:

2 (i) political committees that are State or local central
3 committees of the same political party;

4 (ii) a slate and the campaign finance entities of its members,
5 **UNLESS THE TRANSFER IS MADE TO THE CAMPAIGN FINANCE ENTITY OF:**

6 1. **A MEMBER WHO DOES NOT INTEND TO FILE A
7 CERTIFICATE OF CANDIDACY; OR**

8 2. **IF THE FILING DEADLINE IN § 5-303 OF THIS
9 ARTICLE HAS PASSED, A MEMBER WHO HAS NOT FILED A CERTIFICATE OF
10 CANDIDACY FOR THE NEXT ELECTION; and**

11 (iii) the campaign finance entities of a candidate.

12 (c) During an election cycle, a campaign finance entity may not directly or
13 indirectly make transfers in a cumulative amount of more than \$6,000 to any one
14 other campaign finance entity.

15 (d) (1) All affiliated campaign finance entities are treated as a single
16 entity in determining:

17 (i) the amount of transfers made by a campaign finance entity;
18 and

19 (ii) the amount of transfers received by a campaign finance
20 entity.

21 (2) Campaign finance entities are deemed to be affiliated if they:

22 (i) are organized and operated in coordination and cooperation
23 with each other; or

24 (ii) otherwise conduct their operations and make their decisions
25 relating to transfers and other contributions under the control of the same individual
26 or entity.

27 (e) The limit on transfers to the campaign finance entities of a candidate
28 prescribed in subsection (c) of this section applies regardless of the number of offices
29 sought by the candidate.

30 13-304.

1 (a) (1) From the date of its organization until its termination under the
2 provisions of this title, a campaign finance entity, except a political club, shall file a
3 campaign finance report at the State Board at the times and for the periods required
4 by §§ 13–309, 13–312, and 13–316 of this subtitle.

5 (2) A campaign finance report submitted using an electronic format
6 shall:

7 (i) be made under oath or affirmation;

8 (ii) require an electronic signature from the treasurer at the
9 time of the filing of the campaign finance report; and

10 (iii) be made subject to the penalties for perjury.

11 (b) A campaign finance report filed by a campaign finance entity under
12 subsection (a) of this section shall include:

13 (1) the information required by the State Board with respect to all
14 contributions received and all expenditures made by or on behalf of the campaign
15 finance entity during the designated reporting period; AND

16 (2) IF THE CAMPAIGN FINANCE ENTITY IS A SLATE:

17 (I) THE NAME OF EACH MEMBER THAT BENEFITTED FROM
18 A SLATE EXPENDITURE OR TRANSFER; AND

19 (II) THE AMOUNT OF EACH SLATE EXPENDITURE OR
20 TRANSFER FROM WHICH THE MEMBER BENEFITTED.

21 (c) A campaign finance report prescribed by this subtitle for the campaign
22 finance entity of a candidate is required whether or not:

23 (1) the candidate files a certificate of candidacy;

24 (2) the candidate withdraws, declines a nomination, or otherwise
25 ceases to be a candidate;

26 (3) the candidate's name appears on the primary ballot; or

27 (4) the candidate is successful in the election.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 January 1, 2012.