

# HOUSE BILL 769

G1

5lr2833

---

By: **Delegate Turner**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Persons Doing Public Business – Statements of Contributions**

3 FOR the purpose of clarifying that a person who was doing public business on a certain  
4 date is required to file a certain statement of campaign contributions with the State  
5 Board of Elections on or before certain dates if performance remains uncompleted on  
6 the contract that caused the person to be doing public business; clarifying that a  
7 person is doing public business if the person has a contract with a governmental  
8 entity involving cumulative consideration of at least a certain amount; requiring a  
9 person doing public business to disclose a contribution for the benefit of a candidate  
10 for an office of a governmental entity with which the person is doing public business;  
11 and generally relating to disclosure of campaign contributions by persons doing  
12 public business.

13 BY repealing and reenacting, with amendments,  
14 Article – Election Law  
15 Section 14–101 and 14–104  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2014 Supplement)

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

20 **Article – Election Law**

21 14–101.

22 (a) In this title the following words have the meanings indicated.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Applicable contribution” means a contribution by a person or attributed to a  
2 person to **OR FOR THE BENEFIT OF** a candidate for an office of a governmental entity with  
3 which the person is doing public business.

4 (c) “Business entity” includes a firm, corporation, trust, unincorporated  
5 association, or other organization, whether or not conducted for profit.

6 (d) “Candidate” includes an incumbent office holder.

7 (e) (1) “Contract” means an agreement in any form entered into by a  
8 governmental entity for a procurement as defined in § 11–101(m)(1) of the State Finance  
9 and Procurement Article.

10 (2) “Contract” does not include:

11 (i) a collective bargaining agreement with an employee  
12 organization;

13 (ii) an agreement with a contractual employee, as defined in §  
14 1–101(d) of the State Personnel and Pensions Article;

15 (iii) a Medicaid, Judicare, or similar reimbursement contract for  
16 which law sets:

17 1. user or recipient eligibility; and

18 2. price payable by the State; or

19 (iv) a Medicaid contract with a managed care organization, as  
20 defined in § 15–101(e) of the Health – General Article as to which regulations adopted by  
21 the Department establish:

22 1. recipient eligibility;

23 2. minimum qualifications for managed care organizations;

24 and

25 3. criteria for enrolling recipients in managed care  
26 organizations.

27 (f) (1) Subject to paragraph (2) of this subsection, “contribution” has the  
28 meaning stated in § 1–101 of this article.

29 (2) “Contribution” does not include:

30 (i) a bona fide gift by a spouse or relative within the third degree of  
31 consanguinity; or

1 (ii) an honorary membership in a social, service, or fraternal  
2 organization presented as a courtesy by the organization.

3 (g) “Director” means a member of the board of directors of a business entity.

4 (h) (1) “Doing public business” means making **OR HAVING** a single contract  
5 with a single governmental entity involving cumulative consideration of at least \$200,000.

6 (2) “Doing public business” does not include receiving a salary from a  
7 governmental entity.

8 (i) “Governmental entity” means:

9 (1) the State, a county, a municipal corporation, or other political  
10 subdivision of the State; and

11 (2) a unit of the State, a county, a municipal corporation, or other political  
12 subdivision of the State.

13 (j) “Make a contribution” includes to cause a contribution to be made.

14 (k) “Officer” means an individual who serves as a business entity’s chief executive  
15 officer, president, vice president, secretary, treasurer, chief financial officer, managing  
16 partner, managing member, or principal, or in any other formal or informal role in which  
17 the individual exercises substantial independent responsibility for managing the affairs of  
18 a business entity.

19 14–104.

20 (a) A person doing public business shall file a statement with the State Board as  
21 provided in this section.

22 (b) (1) When a contract is awarded that causes a person to be doing public  
23 business, an initial statement shall be filed at that time, covering the preceding 24 months.

24 (2) (i) A person who files an initial statement under paragraph (1) of  
25 this subsection **OR A PERSON WHO WAS DOING PUBLIC BUSINESS ON DECEMBER 31,**  
26 **2014,** shall file a semi-annual statement in accordance with this paragraph for each  
27 reporting period specified in subparagraph (ii) of this paragraph if performance remains  
28 uncompleted on the contract that caused the person to be doing public business.

29 (ii) 1. The statements required by subparagraph (i) of this  
30 paragraph shall cover 6-month reporting periods ending on January 31 and July 31.

31 2. A statement required by subparagraph (i) of this  
32 paragraph shall be filed within 5 days after the end of the applicable reporting period.

1 (c) (1) The statement required by this section shall be made under oath and  
2 shall contain:

3 (i) the name of each candidate, if any, to whom one or more  
4 applicable contributions in a cumulative amount of \$500 or more were made during the  
5 reporting period;

6 (ii) the office sought by each candidate named in item (i) of this  
7 paragraph;

8 (iii) the amount of aggregate contributions made to each candidate  
9 named in item (i) of this paragraph;

10 (iv) the name of each unit of a governmental entity with which the  
11 person did public business during the reporting period;

12 (v) the nature and amount of public business done with each unit of  
13 a governmental entity; and

14 (vi) if the public business was done or the contribution was made by  
15 another person but is attributed to the person filing the statement, the name of the person  
16 who did the public business or made the contribution and the relationship of that person to  
17 the person filing the statement.

18 (2) The information required by paragraph (1)(iv) and (v) of this subsection  
19 may be omitted on the written approval of the State Board if the State Board finds that:

20 (i) requiring the information would be unduly burdensome;

21 (ii) the public interest would not be impaired substantially by the  
22 omission of this information; and

23 (iii) the person filing the statement stipulates that the person has  
24 done public business during the reporting period.

25 (d) The State Board shall retain each statement filed under this title as a public  
26 record for at least 2 years after its receipt and shall make the statement publicly available  
27 on the Internet.

28 (e) A person shall file a statement required under this section in an electronic  
29 format required by the State Board.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
31 1, 2015.