

HOUSE BILL 769

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5lr2833

By: **Delegate Turner**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2015

CHAPTER _____

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 specifying requirements for the filing and contents of statements by a person doing
12 public business who has obtained a certain approval from the State Board;
13 authorizing a person doing public business who did not make contributions in excess
14 of a certain amount during a reporting period to file a statement that contains only
15 certain information; making a technical correction; and generally relating to
16 disclosure of campaign contributions by persons doing public business.

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 14–101 ~~and 14–104~~, 14–104, and 14–107(e)
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Election Law

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.



1 Section 14–107(d)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2014 Supplement)

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

6 **Article – Election Law**

7 14–101.

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

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

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

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

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

18 (2) “Contract” does not include:

19 (i) a collective bargaining agreement with an employee
20 organization;

21 (ii) an agreement with a contractual employee, as defined in §
22 1–101(d) of the State Personnel and Pensions Article;

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

25 1. user or recipient eligibility; and

26 2. price payable by the State; or

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

30 1. recipient eligibility;

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

3 (2) (i) A person who files an initial statement under paragraph (1) of
4 this subsection ~~OR, A PERSON WHO WAS DOING PUBLIC BUSINESS ON DECEMBER 31,~~
5 ~~2014, OR A PERSON WHO HAS OBTAINED APPROVAL FROM THE STATE BOARD~~
6 ~~UNDER SUBSECTION (C)(2) OF THIS SECTION,~~ shall file a semi-annual statement in
7 accordance with this paragraph for each reporting period specified in subparagraph (ii) of
8 this paragraph if performance remains uncompleted on the contract that caused the person
9 to be doing public business.

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

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

14 (c) (1) The statement required by this section shall be made under oath and,
15 ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION,~~ shall contain:

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

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

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

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

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

27 (vi) if the public business was done or the contribution was made by
28 another person but is attributed to the person filing the statement, the name of the person
29 who did the public business or made the contribution and the relationship of that person to
30 the person filing the statement.

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

34 ~~(i)~~ 1. requiring the information would be unduly burdensome;

1 ~~(ii)~~ **2.** the public interest would not be impaired substantially by
2 the omission of this information; and

3 ~~(iii)~~ **3.** the person filing the statement stipulates that the person
4 has done public business during the reporting period.

5 **(II) A PERSON WHO HAS OBTAINED APPROVAL FROM THE STATE**
6 **BOARD UNDER THIS PARAGRAPH:**

7 **1. IS NOT REQUIRED TO FILE AN INITIAL STATEMENT**
8 **UNDER SUBSECTION (B)(1) OF THIS SECTION;**

9 **2. SHALL FILE THE STATEMENTS REQUIRED UNDER**
10 **SUBSECTION (B)(2) OF THIS SECTION IF PERFORMANCE REMAINS UNCOMPLETED**
11 **ON ANY CONTRACT THAT CAUSES THE PERSON TO BE DOING PUBLIC BUSINESS; AND**

12 **3. SHALL INCLUDE IN EACH STATEMENT THE**
13 **INFORMATION REQUIRED UNDER PARAGRAPH (1)(I), (II), (III), AND (VI) OF THIS**
14 **SUBSECTION FOR ALL CONTRIBUTIONS BY THE PERSON OR ATTRIBUTED TO THE**
15 **PERSON IN A CUMULATIVE AMOUNT OF \$500 OR MORE TO A CANDIDATE FOR AN**
16 **OFFICE OF ANY GOVERNMENTAL ENTITY.**

17 **(3) IF A PERSON DOING PUBLIC BUSINESS DID NOT MAKE**
18 **APPLICABLE CONTRIBUTIONS IN A CUMULATIVE AMOUNT OF \$500 OR MORE DURING**
19 **THE REPORTING PERIOD, THE STATEMENT FILED BY THE PERSON UNDER THIS**
20 **SECTION IS REQUIRED TO CONTAIN ONLY THE FOLLOWING:**

21 **(I) THE NAME OF EACH UNIT OF A GOVERNMENTAL ENTITY**
22 **WITH WHICH THE PERSON DID PUBLIC BUSINESS DURING THE REPORTING PERIOD,**
23 **UNLESS THE PERSON HAS OBTAINED APPROVAL FROM THE STATE BOARD UNDER**
24 **PARAGRAPH (2) OF THIS SUBSECTION TO OMIT THIS INFORMATION; AND**

25 **(II) A STIPULATION THAT THE PERSON DID NOT MAKE**
26 **APPLICABLE CONTRIBUTIONS IN A CUMULATIVE AMOUNT OF \$500 OR MORE DURING**
27 **THE REPORTING PERIOD.**

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

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

1 (d) A person who knowingly and willfully violates this title is guilty of a
2 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment
3 not exceeding 1 year or both.

4 (e) An officer or partner of a business entity who knowingly authorizes or
5 participates in a violation of this title by the business entity is subject to the penalty
6 provided in subsection [(a)](D) of this section.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.