

# HOUSE BILL 53

G1  
HB 551/17 – W&M

(PRE-FILED)

8lr1067

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By: **Delegate Cluster**

Requested: November 2, 2017

Introduced and read first time: January 10, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Private Loan to Campaign Finance Entity of Candidate –**  
3 **Prohibited**

4 FOR the purpose of prohibiting a person other than the candidate or the candidate's spouse  
5 from making a loan to the campaign finance entity of a candidate; making  
6 conforming changes; providing for a delayed effective date; and generally relating to  
7 prohibiting private loans to the campaign finance entity of a candidate.

8 BY repealing and reenacting, with amendments,  
9 Article – Election Law  
10 Section 13–230  
11 Annotated Code of Maryland  
12 (2017 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article – Election Law  
15 Section 13–231  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2017 Supplement)

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

### Article – Election Law

20 13–230.

22 **(A) EXCEPT FOR THE CANDIDATE OR THE CANDIDATE'S SPOUSE, A PERSON**  
23 **MAY NOT MAKE A LOAN TO THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1                                   2.     any interest foregone on the loan is not a contribution  
2 under subsection [(b)] (C) of this section; and

3                                   3.     the campaign finance entity is not subject to:

4                                   A.     § 13–310(a) and (b) of this title so long as the loan has an  
5 outstanding principal balance; and

6                                   B.     subsection [(a)(2)(ii)] (B)(2)(II) of this section.

7           [(d)] (E)     (1)    A loan may not be made **BY THE CANDIDATE OR THE**  
8 **CANDIDATE’S SPOUSE** to a campaign finance entity of a candidate, or accepted on behalf  
9 of the entity, without the express written consent of the candidate.

10                               (2)    The written consent of the candidate constitutes the personal guarantee  
11 of the candidate for repayment of the loan only if the document expressly so provides.

12                               (3)    A copy of the candidate’s written consent shall be:

13                                   (i)     furnished to the lender when the loan is made; and

14                                   (ii)    attached to the campaign finance report required of the entity  
15 under Subtitle 3 of this title for the reporting period during which the loan was made.

16 13–231.

17           (a)     (1)    Contributions or loans to a campaign finance entity of a candidate from  
18 the personal funds of the candidate or the candidate’s spouse are not subject to the  
19 contribution limits under § 13–226 of this subtitle.

20                               (2)    Expenditures from personal funds by the candidate or the candidate’s  
21 spouse for personal expenses of the candidate for filing fees, telecommunication services,  
22 travel, and food are not contributions.

23           (b)     A contribution or loan to a campaign finance entity of a candidate by the  
24 candidate or the candidate’s spouse shall pass through the hands of the treasurer of the  
25 entity and be reported in accordance with Subtitle 3 of this title.

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 January 1, 2019.