

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 755
Ways and Means

(Delegate Mosby, *et al.*)
Education, Health, and Environmental Affairs

Campaign Finance – Contributions in Name of Another – Fair Campaign
Financing Fund

This bill prohibits a campaign finance entity from using, for any purpose, a contribution received as a result of a violation – for which the contributor has been convicted – of the prohibition against a person directly or indirectly paying or promising to pay a campaign finance entity in a name other than the person’s name. The bill requires the campaign finance entity to remit the contribution to the Fair Campaign Financing Fund (FCFF). **The bill takes effect January 1, 2019.**

Fiscal Summary

State Effect: Special fund revenues may increase annually by an indeterminate amount. Expenditures are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not directly or indirectly pay or promise to pay a campaign finance entity in a name other than the person’s name. A person who violates the prohibition is guilty of a misdemeanor and subject to a fine of up to \$1,000 and/or imprisonment for up to one year, and loss of eligibility to hold any public or party office for four years after the date of the offense.

FCFF holds funds for public campaign financing of gubernatorial tickets under the Public Financing Act. FCFF receives revenue from various sources, including (1) contributions through a checkoff on the individual income tax return; (2) various fees, fines, and penalties under State election law; and (3) any anonymous contributions received by campaign finance entities (which a campaign finance entity is prohibited from using, for any purpose, and must remit to FCFF).

Background: The State Board of Elections indicates that campaigns are currently advised, when they receive illegal contributions, to return them to the contributor.

State Revenues: Special fund revenues may increase annually, by an indeterminate amount, reflecting remittance to FCFF of any contributions made in a name other than the contributor's name, for which the contributor has been convicted.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2018
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