

HOUSE BILL 949

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HB 871/20 – W&M

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By: **Delegate Washington**

Introduced and read first time: February 2, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Collections by Membership Entities – Noncampaign**
3 **Political Activity**

4 FOR the purpose of authorizing a membership entity to require a member to donate to
5 noncampaign political activity of the membership entity up to a certain portion of
6 the total annual amount the member is required to pay as dues, fees, or other
7 assessments as a condition of membership if the member exercises the right not to
8 contribute to a political action committee affiliated with the membership entity;
9 requiring a membership entity that solicits a member by a certain invoice to make a
10 contribution to an affiliated political action committee to inform the member of the
11 member's right to redirect the portion of the amount invoiced that is designated as a
12 contribution to the political action committee to noncampaign political activity of the
13 membership entity, if applicable; authorizing a membership entity to receive and use
14 a donation for noncampaign political activity of a membership entity as part of dues,
15 fees, or other assessments required as a condition of membership if the donation is
16 obtained in accordance with this Act; defining a certain term; and generally relating
17 to collections by membership entities for noncampaign political activity.

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 13–243
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2020 Supplement)

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

25 **Article – Election Law**

26 13–243.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Affiliated political action committee” means a political action
3 committee affiliated with a membership entity.

4 (3) “Membership entity” means an organization that collects dues from its
5 members.

6 (4) (I) **“NONCAMPAIGN POLITICAL ACTIVITY” INCLUDES ISSUE**
7 **ADVOCACY, LEGISLATIVE ADVOCACY, AND LOBBYING.**

8 (II) **“NONCAMPAIGN POLITICAL ACTIVITY” DOES NOT INCLUDE**
9 **CAMPAIGN FINANCE ACTIVITY OR ANY ACTIVITY REQUIRED TO BE CONDUCTED**
10 **THROUGH A POLITICAL COMMITTEE UNDER THIS ARTICLE.**

11 (b) A membership entity may establish a program for periodically collecting from
12 its members and accumulating voluntary contributions by the members to an affiliated
13 political action committee if those contributions are collected together with:

14 (1) membership dues invoiced and collected by the membership entity; or

15 (2) contributions by the members to a political action committee
16 established under federal law, if that political action committee is also affiliated with the
17 membership entity.

18 (c) **IF A MEMBER EXERCISES THE MEMBER’S RIGHT UNDER THIS SECTION**
19 **NOT TO CONTRIBUTE TO A POLITICAL ACTION COMMITTEE AFFILIATED WITH A**
20 **MEMBERSHIP ENTITY, THE MEMBERSHIP ENTITY MAY REQUIRE THE MEMBER TO**
21 **DONATE TO NONCAMPAIGN POLITICAL ACTIVITY OF THE MEMBERSHIP ENTITY UP**
22 **TO 25% OF THE TOTAL ANNUAL AMOUNT THAT THE MEMBER IS REQUIRED TO PAY**
23 **AS DUES, FEES, OR OTHER ASSESSMENTS AS A CONDITION OF MEMBERSHIP.**

24 [(c)] (D) A membership entity shall keep detailed and accurate records of each
25 contribution received under subsection (b) of this section, including:

26 (1) the name and address of the contributor;

27 (2) the date on which the contribution is withheld;

28 (3) the amount of the contribution; and

29 (4) the disposition of the contribution.

30 [(d)] (E) Within 30 days after being received, a contribution under this section
31 shall be transmitted by the membership entity, with the information recorded under
32 subsection [(c)(1),] (D)(1), (2), and (3) of this section, to its affiliated political action

1 committee.

2 **[(e)] (F)** In soliciting a member, by joint invoice for membership dues or for a
3 contribution to an affiliated federal political action committee, to make a contribution to its
4 affiliated political action committee, a membership entity shall inform the member of:

5 (1) the political purposes of the affiliated political action committee; **[and]**

6 (2) the member's right to refuse to contribute to the political action
7 committee without reprisal; **AND**

8 **(3) IF APPLICABLE, THE MEMBER'S RIGHT TO REDIRECT THE**
9 **PORTION OF THE AMOUNT INVOICED THAT IS DESIGNATED AS A CONTRIBUTION TO**
10 **THE POLITICAL ACTION COMMITTEE TO NONCAMPAIGN POLITICAL ACTIVITY OF THE**
11 **MEMBERSHIP ENTITY.**

12 **[(f)] (G)** (1) An employee membership entity or its affiliated political action
13 committee entity may not receive or use money or anything of value under this section if it
14 is obtained:

15 **[(1)] (I)** by actual or threatened:

16 **[(i)] 1.** physical force;

17 **[(ii)] 2.** membership discrimination; or

18 **[(iii)] 3.** financial or professional reprisal; or

19 **[(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, as dues, fees, or other assessment required as a condition of membership.**

21 **(2) A MEMBERSHIP ENTITY MAY RECEIVE AND USE A DONATION FOR**
22 **NONCAMPAIGN POLITICAL ACTIVITY AS PART OF DUES, FEES, OR OTHER**
23 **ASSESSMENTS REQUIRED AS A CONDITION OF MEMBERSHIP IF THE DONATION IS**
24 **OBTAINED IN ACCORDANCE WITH THIS SECTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2021.