

SENATE BILL 374

G1

1lr1634

By: **Senator Kagan**

Introduced and read first time: January 15, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Campaign Finance~~ **Maryland Public Ethics Law – Special Session of the General**
3 **Assembly – Contributions Prohibited**

4 FOR the purpose of prohibiting ~~certain officials~~ legislators and persons acting on behalf of
5 ~~certain officials~~ legislators from receiving, ~~soliciting~~, depositing, or using a certain
6 contribution ~~or~~, conducting a fund-raising event, or selling or soliciting a certain
7 ticket during a special session of the General Assembly except under certain
8 circumstances; prohibiting legislators from intentionally scheduling a fund-raising
9 event that coincides with a special session of the General Assembly once the special
10 session has been announced; and generally relating to ~~campaign finance~~ the
11 Maryland Public Ethics Law and a special session of the General Assembly.

12 ~~BY repealing and reenacting, with amendments,~~
13 ~~Article – Election Law~~
14 ~~Section 13–235~~
15 ~~Annotated Code of Maryland~~
16 ~~(2017 Replacement Volume and 2020 Supplement)~~

17 BY adding to
18 Article – General Provisions
19 Section 5–514.2
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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 That the Laws of Maryland read as follows:

2 ~~Article — Election Law~~

3 ~~13-235.~~

4 (a) ~~This section applies to the following officials:~~

5 (1) ~~the Governor;~~

6 (2) ~~the Lieutenant Governor;~~

7 (3) ~~the Attorney General;~~

8 (4) ~~the Comptroller; and~~

9 (5) ~~a member of the General Assembly.~~

10 (b) ~~Except as provided in subsection (c), (d), or (e) of this section, during a regular~~
11 ~~session OR SPECIAL SESSION of the General Assembly an official described in subsection~~
12 ~~(a) of this section, or a person acting on behalf of the official, may not, as to a candidate for~~
13 ~~federal, State, or local office, or a campaign finance entity of the candidate or any other~~
14 ~~campaign finance entity organized under this title and operated in coordination with a~~
15 ~~candidate:~~

16 (1) ~~receive a contribution;~~

17 (2) ~~conduct a fund-raising event;~~

18 (3) ~~solicit a contribution; or~~

19 (4) ~~deposit or use any contribution of money that was not deposited prior~~
20 ~~to the session.~~

21 (c) ~~An official described in subsection (a) of this section, or a person acting on~~
22 ~~behalf of the official, is not subject to this section when engaged in activities solely related~~
23 ~~to the official's election to an elective federal or local office for which the official is a filed~~
24 ~~candidate.~~

25 (d) ~~Under the Public Financing Act, a gubernatorial ticket, during the year of the~~
26 ~~election only, may accept eligible private contributions and any disbursement of funds by~~
27 ~~the State Board that is based on the eligible private contributions.~~

28 (e) ~~An official described in subsection (a) of this section, or a person acting on~~
29 ~~behalf of the official, may deposit a contribution during the legislative session if the~~
30 ~~contribution was made electronically before the start of the session.~~

~~(f) (1) As to a violation of this section, the campaign finance entity of the official in violation is liable for a civil penalty as provided in § 13-604.1 of this title.~~

~~(2) A civil penalty imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of this article.~~

ARTICLE – GENERAL PROVISIONS

5-514.2.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B)(1) AND (C) OF THIS SECTION, DURING A SPECIAL SESSION OF THE GENERAL ASSEMBLY, A LEGISLATOR OR A PERSON ACTING ON BEHALF OF THE LEGISLATOR MAY NOT, AS TO A CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, OR A CAMPAIGN FINANCE ENTITY OF THE CANDIDATE OR ANY OTHER CAMPAIGN FINANCE ENTITY ORGANIZED UNDER TITLE 13 OF THE ELECTION LAW ARTICLE AND OPERATED IN COORDINATION WITH A CANDIDATE:

(1) RECEIVE A CONTRIBUTION;

(2) CONDUCT A FUND-RAISING EVENT;

(3) SELL OR SOLICIT FOR THE SALE OF A TICKET TO A FUND-RAISING EVENT; OR

(4) DEPOSIT OR USE ANY CONTRIBUTION OF MONEY THAT WAS RECEIVED BUT NOT DEPOSITED BEFORE THE SPECIAL SESSION.

(B) (1) A LEGISLATOR, OR A PERSON ACTING ON BEHALF OF THE LEGISLATOR, MAY CONDUCT A FUND-RAISING EVENT DURING A SPECIAL SESSION IF THE EVENT WAS ORGANIZED BEFORE THE ANNOUNCEMENT OF THE SPECIAL SESSION THROUGH:

(I) THE COMMITMENT OF FUNDS; OR

(II) THE SENDING OF SOLICITATIONS.

(2) A LEGISLATOR, OR A PERSON ACTING ON BEHALF OF THE LEGISLATOR, MAY NOT INTENTIONALLY SCHEDULE A FUND-RAISING EVENT THAT COINCIDES WITH A SPECIAL SESSION ONCE THE SPECIAL SESSION HAS BEEN ANNOUNCED.

(C) A LEGISLATOR, OR A PERSON ACTING ON BEHALF OF THE LEGISLATOR, IS NOT SUBJECT TO THIS SECTION WHEN ENGAGED IN ACTIVITIES SOLELY RELATED TO THE OFFICIAL'S ELECTION TO AN ELECTIVE FEDERAL OR LOCAL OFFICE FOR

1 WHICH THE OFFICIAL IS A FILED CANDIDATE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.