

HOUSE BILL 17

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2lr0312

(PRE-FILED)

By: **Delegate Palakovich Carr**

Requested: July 13, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Recurring Contributions and Donations – Requirements**

3 FOR the purpose of establishing requirements for the solicitation of a recurring
4 contribution for a political committee or a recurring donation for an independent
5 expenditure or electioneering communication; and generally relating to recurring
6 contributions and donations for campaign-related purposes.

7 BY adding to

8 Article – Election Law

9 Section 13-106 and 13-604.1(b)(10)

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 13-604.1(b)(8) and (9)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2021 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 **13-106.**

21 **(A) (1) A PERSON SOLICITING A RECURRING CONTRIBUTION FOR A**
22 **POLITICAL COMMITTEE OR A RECURRING DONATION FOR AN INDEPENDENT**
23 **EXPENDITURE OR ELECTIONEERING COMMUNICATION MAY ACCEPT THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 RECURRING CONTRIBUTION OR DONATION ONLY IF THE CONTRIBUTOR OR DONOR
2 GIVES AFFIRMATIVE CONSENT FOR THE RECURRING CONTRIBUTION OR DONATION.

3 (2) THE PASSIVE ACTION OF A CONTRIBUTOR OR DONOR, INCLUDING
4 FAILING TO UNCHECK A PRE-CHECKED BOX AUTHORIZING A RECURRING
5 CONTRIBUTION OR DONATION, DOES NOT MEET THE REQUIREMENT OF
6 AFFIRMATIVE CONSENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

7 (B) IF A CONTRIBUTOR OR DONOR AFFIRMATIVELY CONSENTS TO MAKING
8 A RECURRING CONTRIBUTION OR DONATION, THE PERSON SOLICITING THE
9 RECURRING CONTRIBUTION OR DONATION SHALL:

10 (1) IN ADDITION TO THE RECEIPT REQUIRED UNDER § 13-222 OF THIS
11 TITLE, PROVIDE A RECEIPT TO THE CONTRIBUTOR OR DONOR FOR EACH
12 CONTRIBUTION OR DONATION THAT CLEARLY AND CONSPICUOUSLY DISCLOSES:

13 (I) THE FREQUENCY OF THE RECURRING CONTRIBUTIONS OR
14 DONATIONS;

15 (II) THE DURATION OF THE RECURRING CONTRIBUTIONS OR
16 DONATIONS; AND

17 (III) ALL INFORMATION NEEDED TO CANCEL A RECURRING
18 CONTRIBUTION OR DONATION; AND

19 (2) IMMEDIATELY CANCEL THE RECURRING CONTRIBUTIONS OR
20 DONATIONS AT THE REQUEST OF THE CONTRIBUTOR OR DONOR.

21 13-604.1.

22 (b) The State Board may impose a civil penalty in accordance with this section for
23 the following violations:

24 (8) failure to retain a copy of campaign material as required in § 13-403 of
25 this title; [and]

26 (9) failure to include a disclosure on online campaign material as required
27 in § 13-401.1(b) of this title; AND

28 (10) SOLICITING A RECURRING CONTRIBUTION OR DONATION
29 WITHOUT THE AFFIRMATIVE CONSENT OF THE CONTRIBUTOR OR DONOR AS
30 REQUIRED IN § 13-106 OF THIS TITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 January 1, 2023.