

HOUSE BILL 93

G1, N1, L3

2lr1232

(PRE-FILED)

By: **Delegate Terrasa**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Candidates for Offices of Municipalities and Common Ownership Communities**
3 **– Reports of Donations and Disbursements**

4 FOR the purpose of requiring certain municipalities, cooperative housing corporations,
5 condominiums, and homeowners associations that require candidates for office to file
6 reports of donations and disbursements to transmit copies of the reports to the State
7 Board of Elections; requiring candidates for offices of certain municipalities,
8 cooperative housing corporations, condominiums, and homeowners associations that
9 do not require candidates for office to file reports of donations and disbursements to
10 establish an election committee and file reports of donations and disbursements with
11 the State Board; and generally relating to reports of donations and disbursements
12 by candidates for offices of municipalities and common ownership communities.

13 BY adding to

14 Article – Corporations and Associations
15 Section 5–6B–25.2
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2021 Supplement)

18 BY repealing

19 Article – Local Government
20 Section 4–108.2
21 Annotated Code of Maryland
22 (2013 Volume and 2021 Supplement)

23 BY adding to

24 Article – Local Government
25 Section 4–108.2
26 Annotated Code of Maryland
27 (2013 Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Real Property
3 Section 11–109.5 and 11B–106.3
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2021 Supplement)

6 BY adding to
7 Article – Election Law
8 Section 13–106
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

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

13 **Article – Corporations and Associations**

14 **5–6B–25.2.**

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) “DISBURSEMENT” MEANS AN EXPENDITURE, A GIFT, A TRANSFER,
18 OR A PROMISE OF MONEY OR OTHER THING OF VALUE BY A CANDIDATE FOR
19 ELECTION TO THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION
20 TO PROMOTE THE ELECTION OF THE CANDIDATE.

21 (3) “DONATION” MEANS THE GIFT, TRANSFER, OR PROMISE OF GIFT
22 OR TRANSFER OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE FOR
23 ELECTION TO THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION
24 TO PROMOTE THE ELECTION OF THE CANDIDATE.

25 (4) “STATE BOARD” MEANS THE STATE BOARD OF ELECTIONS.

26 (B) THIS SECTION APPLIES ONLY TO A COOPERATIVE HOUSING
27 CORPORATION THAT CONTAINS AT LEAST 2,000 UNITS.

28 (C) (1) IF A COOPERATIVE HOUSING CORPORATION REQUIRES
29 CANDIDATES FOR ELECTION TO THE GOVERNING BODY OF THE COOPERATIVE
30 HOUSING CORPORATION TO FILE REPORTS OF DONATIONS AND DISBURSEMENTS,
31 WITHIN 5 DAYS AFTER THE FILING DEADLINE FOR EACH REPORT, THE COOPERATIVE
32 HOUSING CORPORATION SHALL TRANSMIT A COPY OF EACH REPORT THAT IS FILED
33 TO THE STATE BOARD.

1 UNDER THIS SUBSECTION PUBLICLY AVAILABLE ON ITS WEBSITE.

2 (D) IF A MUNICIPALITY DOES NOT REQUIRE CANDIDATES FOR MUNICIPAL
3 OFFICE TO FILE REPORTS OF DONATIONS AND DISBURSEMENTS, A CANDIDATE FOR
4 AN OFFICE OF THAT MUNICIPALITY SHALL FILE REPORTS OF DONATIONS AND
5 DISBURSEMENTS WITH THE STATE BOARD IN ACCORDANCE WITH § 13-106 OF THE
6 ELECTION LAW ARTICLE.

7 Article – Real Property

8 11-109.5.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) “DISBURSEMENT” MEANS AN EXPENDITURE, A GIFT, A TRANSFER,
12 OR A PROMISE OF MONEY OR OTHER THING OF VALUE BY A CANDIDATE FOR
13 ELECTION TO THE GOVERNING BODY OF A CONDOMINIUM TO PROMOTE THE
14 ELECTION OF THE CANDIDATE.

15 (3) “DONATION” MEANS THE GIFT, TRANSFER, OR PROMISE OF GIFT
16 OR TRANSFER OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE FOR
17 ELECTION TO THE GOVERNING BODY OF A CONDOMINIUM TO PROMOTE THE
18 ELECTION OF THE CANDIDATE.

19 (4) “STATE BOARD” MEANS THE STATE BOARD OF ELECTIONS.

20 (B) THIS SECTION APPLIES ONLY TO A CONDOMINIUM THAT CONTAINS AT
21 LEAST 2,000 UNITS.

22 (C) (1) IF A CONDOMINIUM REQUIRES CANDIDATES FOR ELECTION TO
23 THE GOVERNING BODY OF THE CONDOMINIUM TO FILE REPORTS OF DONATIONS
24 AND DISBURSEMENTS, WITHIN 5 DAYS AFTER THE FILING DEADLINE FOR EACH
25 REPORT, THE CONDOMINIUM SHALL TRANSMIT A COPY OF EACH REPORT THAT IS
26 FILED TO THE STATE BOARD.

27 (2) THE STATE BOARD SHALL MAKE EACH REPORT THAT IT RECEIVES
28 UNDER THIS SUBSECTION PUBLICLY AVAILABLE ON ITS WEBSITE.

29 (D) IF A CONDOMINIUM DOES NOT REQUIRE CANDIDATES FOR ELECTION TO
30 THE GOVERNING BODY OF THE CONDOMINIUM TO FILE REPORTS OF DONATIONS
31 AND DISBURSEMENTS, A CANDIDATE FOR ELECTION TO THE GOVERNING BODY OF
32 THAT CONDOMINIUM SHALL FILE REPORTS OF DONATIONS AND DISBURSEMENTS
33 WITH THE STATE BOARD IN ACCORDANCE WITH § 13-106 OF THE ELECTION LAW

1 ARTICLE.

2 11B-106.3.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "DISBURSEMENT" MEANS AN EXPENDITURE, A GIFT, A TRANSFER,
6 OR A PROMISE OF MONEY OR OTHER THING OF VALUE BY A CANDIDATE FOR
7 ELECTION TO THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION TO PROMOTE
8 THE ELECTION OF THE CANDIDATE.

9 (3) "DONATION" MEANS THE GIFT, TRANSFER, OR PROMISE OF GIFT
10 OR TRANSFER OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE FOR
11 ELECTION TO THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION TO PROMOTE
12 THE ELECTION OF THE CANDIDATE.

13 (4) "STATE BOARD" MEANS THE STATE BOARD OF ELECTIONS.

14 (B) THIS SECTION APPLIES ONLY TO A HOMEOWNERS ASSOCIATION FOR A
15 DEVELOPMENT THAT CONTAINS AT LEAST 2,000 LOTS.

16 (C) (1) IF A HOMEOWNERS ASSOCIATION REQUIRES CANDIDATES FOR
17 ELECTION TO THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION TO FILE
18 REPORTS OF DONATIONS AND DISBURSEMENTS, WITHIN 5 DAYS AFTER THE FILING
19 DEADLINE FOR EACH REPORT, THE HOMEOWNERS ASSOCIATION SHALL TRANSMIT A
20 COPY OF EACH REPORT THAT IS FILED TO THE STATE BOARD.

21 (2) THE STATE BOARD SHALL MAKE EACH REPORT THAT IT RECEIVES
22 UNDER THIS SUBSECTION PUBLICLY AVAILABLE ON ITS WEBSITE.

23 (D) IF A HOMEOWNERS ASSOCIATION DOES NOT REQUIRE CANDIDATES FOR
24 ELECTION TO THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION TO FILE
25 REPORTS OF DONATIONS AND DISBURSEMENTS, A CANDIDATE FOR ELECTION TO
26 THE GOVERNING BODY OF THAT HOMEOWNERS ASSOCIATION SHALL FILE REPORTS
27 OF DONATIONS AND DISBURSEMENTS WITH THE STATE BOARD IN ACCORDANCE
28 WITH § 13-106 OF THE ELECTION LAW ARTICLE.

29 Article – Election Law

30 13-106.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

1 **(2) “CANDIDATE” MEANS AN INDIVIDUAL WHO SEEKS ELECTION TO:**

2 **(I) A PUBLIC OFFICE OF A MUNICIPAL CORPORATION; OR**

3 **(II) THE GOVERNING BODY OF A COOPERATIVE HOUSING**
4 **CORPORATION, CONDOMINIUM, OR HOMEOWNERS ASSOCIATION.**

5 **(3) “CONDOMINIUM” HAS THE MEANING STATED IN § 11-101 OF THE**
6 **REAL PROPERTY ARTICLE.**

7 **(4) “COOPERATIVE HOUSING CORPORATION” HAS THE MEANING**
8 **STATED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

9 **(5) “DISBURSEMENT” MEANS AN EXPENDITURE, A GIFT, A TRANSFER,**
10 **OR A PROMISE OF MONEY OR OTHER THING OF VALUE BY A CANDIDATE TO PROMOTE**
11 **THE ELECTION OF THE CANDIDATE.**

12 **(6) “DONATION” MEANS THE GIFT, TRANSFER, OR PROMISE OF GIFT**
13 **OR TRANSFER OF MONEY OR OTHER THING OF VALUE TO A CANDIDATE TO PROMOTE**
14 **THE ELECTION OF THE CANDIDATE.**

15 **(7) “HOMEOWNERS ASSOCIATION” HAS THE MEANING STATED IN §**
16 **11B-101 OF THE REAL PROPERTY ARTICLE.**

17 **(B) THIS SECTION APPLIES ONLY TO A CANDIDATE WHO IS REQUIRED TO**
18 **FILE A REPORT OF DONATIONS AND DISBURSEMENTS WITH THE STATE BOARD**
19 **UNDER:**

20 **(1) § 5-6B-25.2 OF THE CORPORATIONS AND ASSOCIATIONS**
21 **ARTICLE;**

22 **(2) § 4-108.2 OF THE LOCAL GOVERNMENT ARTICLE;**

23 **(3) § 11-109.5 OF THE REAL PROPERTY ARTICLE; OR**

24 **(4) § 11B-106.3 OF THE REAL PROPERTY ARTICLE.**

25 **(C) A CANDIDATE MAY ACCEPT A DONATION OR MAKE A DISBURSEMENT**
26 **ONLY IF THE CANDIDATE:**

27 **(1) ESTABLISHES AN ELECTION COMMITTEE; AND**

1 **(2) DISCLOSES THE DONATIONS AND DISBURSEMENTS IN**
2 **ACCORDANCE WITH THIS SECTION.**

3 **(D) A CANDIDATE SHALL ESTABLISH AN ELECTION COMMITTEE BY FILING A**
4 **STATEMENT OF ORGANIZATION WITH THE STATE BOARD THAT INCLUDES:**

5 **(1) THE APPOINTMENT OF A TREASURER; AND**

6 **(2) ANY OTHER INFORMATION THAT THE STATE BOARD REQUIRES.**

7 **(E) AN ELECTION COMMITTEE SHALL:**

8 **(1) DEPOSIT ALL DONATIONS RECEIVED IN A DESIGNATED BANK**
9 **ACCOUNT; AND**

10 **(2) MAKE ALL DISBURSEMENTS FROM THE DESIGNATED BANK**
11 **ACCOUNT.**

12 **(F) DISBURSEMENTS OF AN ELECTION COMMITTEE SHALL:**

13 **(1) PASS THROUGH THE HANDS OF THE TREASURER; AND**

14 **(2) BE IN ACCORDANCE WITH THE PURPOSE OF THE ENTITY.**

15 **(G) (1) THE TREASURER OF AN ELECTION COMMITTEE SHALL MAINTAIN**
16 **DETAILED AND ACCURATE RECORDS OF ALL:**

17 **(I) DONATIONS RECEIVED BY THE ELECTION COMMITTEE; AND**

18 **(II) DISBURSEMENTS MADE BY THE ELECTION COMMITTEE.**

19 **(2) AN ELECTION COMMITTEE SHALL RETAIN THE RECORDS**
20 **REQUIRED TO BE MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A**
21 **PERIOD OF 2 YEARS AFTER FILING A FINAL REPORT.**

22 **(H) THE TREASURER OF AN ELECTION COMMITTEE SHALL FILE REPORTS**
23 **WITH THE STATE BOARD:**

24 **(1) USING AN ELECTRONIC FORMAT;**

25 **(2) WITH THE ELECTRONIC SIGNATURE OF THE TREASURER;**

26 **(3) UNDER OATH OR AFFIRMATION; AND**

27 **(4) SUBJECT TO THE PENALTIES FOR PERJURY.**

1 **(I) THE STATE BOARD SHALL MAKE THE REPORTS SUBMITTED UNDER THIS**
2 **SECTION PUBLICLY AVAILABLE ON ITS WEBSITE.**

3 **(J) (1) A REPORT FILED BY THE TREASURER OF AN ELECTION**
4 **COMMITTEE SHALL INCLUDE THE INFORMATION REQUIRED BY THE STATE BOARD**
5 **WITH RESPECT TO ALL DONATIONS AND DISBURSEMENTS OF THE ELECTION**
6 **COMMITTEE DURING THE REPORTING PERIOD.**

7 **(2) THE STATE BOARD SHALL, BY REGULATION, ESTABLISH THE**
8 **REPORTING PERIODS FOR EACH OF THE REPORTS REQUIRED UNDER THIS SECTION.**

9 **(K) (1) AN ELECTION COMMITTEE SHALL FILE A REPORT UNDER THIS**
10 **SECTION:**

11 **(I) ON OR BEFORE THE FIRST DAY OF EACH QUARTER OF EACH**
12 **CALENDAR YEAR; AND**

13 **(II) ON OR BEFORE THE DAY THAT IS 14 DAYS BEFORE THE DATE**
14 **OF THE ELECTION FOR THE OFFICE THE CANDIDATE IS SEEKING.**

15 **(2) (I) INSTEAD OF FILING A REPORT REQUIRED UNDER**
16 **PARAGRAPH (1) OF THIS SUBSECTION, AN ELECTION COMMITTEE MAY FILE AN**
17 **AFFIDAVIT STATING THAT THE ELECTION COMMITTEE HAS NOT RAISED OR SPENT A**
18 **CUMULATIVE AMOUNT OF \$1,000 OR MORE, REGARDLESS OF THE BALANCE IN THE**
19 **COMMITTEE'S ACCOUNT, SINCE:**

20 **1. ESTABLISHING THE ELECTION COMMITTEE; OR**

21 **2. FILING THE ELECTION COMMITTEE'S LAST REPORT.**

22 **(II) THE AFFIDAVIT SHALL BE FILED ON OR BEFORE THE DATE**
23 **A REPORT IS DUE TO BE FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

24 **(L) IF THE TREASURER OF AN ELECTION COMMITTEE FAILS TO PROVIDE**
25 **ALL THE INFORMATION REQUIRED ON A REPORT UNDER THIS SECTION:**

26 **(1) THE STATE BOARD SHALL NOTIFY THE TREASURER IN WRITING**
27 **OF THE PARTICULAR DEFICIENCIES; AND**

28 **(2) THE TREASURER SHALL FILE AN AMENDED REPORT THAT**
29 **INCLUDES ALL THE INFORMATION REQUIRED WITHIN 30 DAYS AFTER SERVICE OF**
30 **THE NOTICE.**

1 **(M) (1) THE STATE BOARD SHALL ASSESS LATE FILING FEES FOR**
2 **FAILURE TO PROPERLY FILE A REPORT UNDER THIS SECTION.**

3 **(2) THE STATE BOARD SHALL ASSESS THE FEES IN THE FOLLOWING**
4 **AMOUNTS FOR EACH DAY OR PART OF A DAY THAT A REPORT UNDER THIS SECTION**
5 **IS OVERDUE:**

6 **(I) \$20 FOR EACH OF THE FIRST 7 DAYS;**

7 **(II) \$35 FOR EACH OF THE FOLLOWING 7 DAYS; AND**

8 **(III) \$50 FOR EACH DAY THEREAFTER.**

9 **(3) THE MAXIMUM FEE PAYABLE FOR A REPORT IS \$1,000.**

10 **(N) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**
11 **LATE FILING FEE SHALL BE PAID BY THE ELECTION COMMITTEE.**

12 **(II) IF THE ELECTION COMMITTEE HAS INSUFFICIENT FUNDS**
13 **WITH WHICH TO PAY THE FULL AMOUNT OF THE LATE FILING FEE IN A TIMELY**
14 **MANNER, AFTER THE ACCOUNT OF THE ELECTION COMMITTEE IS EXHAUSTED THE**
15 **BALANCE OF THE LATE FILING FEE IS THE LIABILITY OF THE TREASURER.**

16 **(2) LATE FILING FEES SHALL BE DISTRIBUTED TO THE FAIR**
17 **CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

18 **(3) (I) THE STATE BOARD SHALL ACCEPT AN OVERDUE REPORT**
19 **THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING FEE, BUT THE REPORT**
20 **IS NOT CONSIDERED FILED UNTIL THE FEE HAS BEEN PAID.**

21 **(II) AFTER AN OVERDUE REPORT IS RECEIVED UNDER**
22 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, NO FURTHER LATE FILING FEE SHALL BE**
23 **INCURRED.**

24 **(4) THE TREASURER OF AN ELECTION COMMITTEE THAT FAILS TO**
25 **PROPERLY FILE A REPORT MAY SEEK RELIEF FROM A LATE FILING FEE FOR JUST**
26 **CAUSE AS PROVIDED IN § 13-337 OF THIS TITLE.**

27 **(O) (1) IF THE STATE BOARD DETERMINES THAT THERE HAS BEEN, FOR**
28 **MORE THAN 30 DAYS, A FAILURE TO FILE A REPORT OR PAY A LATE FILING FEE**
29 **UNDER THIS SECTION, THE STATE BOARD SHALL ISSUE THE NOTICE REQUIRED**
30 **UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE TREASURER OF THE ELECTION**
31 **COMMITTEE IN VIOLATION.**

1 **(2) THE NOTICE SHALL DEMAND THAT, WITHIN 30 DAYS AFTER**
2 **SERVICE OF THE NOTICE, EITHER:**

3 **(I) THE FAILURE TO FILE BE RECTIFIED AND ANY LATE FILING**
4 **FEE DUE BE PAID; OR**

5 **(II) THE TREASURER SHOW CAUSE WHY THE STATE BOARD**
6 **SHOULD NOT ASK THE APPROPRIATE PROSECUTING AUTHORITY TO PROSECUTE**
7 **THE TREASURER FOR A VIOLATION OF THIS SECTION.**

8 **(3) IN ITS DISCRETION, THE APPROPRIATE PROSECUTING**
9 **AUTHORITY MAY REFER THE MATTER FOR ACTION TO THE CENTRAL COLLECTION**
10 **UNIT WITHIN THE DEPARTMENT OF BUDGET AND MANAGEMENT.**

11 **(P) A TREASURER WHO FAILS, WITHOUT CAUSE, TO FILE THE REPORT AND**
12 **PAY THE LATE FILING FEE WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE**
13 **REQUIRED UNDER SUBSECTION (O)(2) OF THIS SECTION IS GUILTY OF A**
14 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES PRESCRIBED IN**
15 **§ 13-603 OF THIS TITLE.**

16 **(Q) A CANDIDATE WHOSE ELECTION COMMITTEE HAS FAILED TO FILE A**
17 **REPORT OR PAY A LATE FILING FEE THAT IS DUE UNDER THIS SECTION MAY NOT,**
18 **UNTIL THE REPORT IS FILED OR THE LATE FILING FEE IS PAID:**

19 **(1) BE DEEMED TO BE ELECTED TO THE OFFICE THE CANDIDATE**
20 **SEEKS;**

21 **(2) TAKE THE OATH OR OTHERWISE ASSUME THE DUTIES OF THE**
22 **OFFICE; OR**

23 **(3) IF APPLICABLE, RECEIVE A SALARY OR COMPENSATION FOR THE**
24 **OFFICE.**

25 **(R) (1) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON AN**
26 **ELECTION COMMITTEE FOR THE FOLLOWING VIOLATIONS:**

27 **(I) MAKING A DISBURSEMENT FOR A PURPOSE NOT RELATED**
28 **TO THE ELECTION FOR THE OFFICE THE CANDIDATE SEEKS;**

29 **(II) FAILURE TO DISPOSE OF SURPLUS FUNDS IN ACCORDANCE**
30 **WITH SUBSECTION (S) OF THIS SECTION;**

31 **(III) FAILURE TO MAINTAIN THE RECORDS REQUIRED UNDER**
32 **SUBSECTION (G) OF THIS SECTION; OR**

1 (IV) FAILURE TO REPORT ALL DONATIONS AND
2 DISBURSEMENTS.

3 (2) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE
4 ASSESSED IN THE AMOUNT AND IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS
5 TITLE.

6 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
7 CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE PAID BY THE
8 ELECTION COMMITTEE.

9 (II) IF THE ELECTION COMMITTEE HAS INSUFFICIENT FUNDS
10 WITH WHICH TO PAY THE FULL AMOUNT OF THE CIVIL PENALTY IN A TIMELY
11 MANNER, AFTER THE ACCOUNT OF THE ELECTION COMMITTEE IS EXHAUSTED THE
12 BALANCE OF THE CIVIL PENALTY IS THE LIABILITY OF THE TREASURER.

13 (S) BEFORE FILING A FINAL REPORT, AN ELECTION COMMITTEE SHALL PAY
14 ALL OUTSTANDING OBLIGATIONS AND DISPOSE OF ALL ITS REMAINING ASSETS IN
15 ACCORDANCE WITH § 13-247 OF THIS TITLE.

16 (T) THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS
17 SECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2022.