

SENATE BILL 111

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3lr0656

(PRE-FILED)

By: **Senator Kagan**

Requested: November 1, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance – Draft Committees and Exploratory**
3 **Committees**

4 FOR the purpose of applying certain campaign finance requirements for a political
5 committee to draft committees and exploratory committees; establishing
6 requirements and prohibitions for draft committees and exploratory committees
7 relating to the establishment of the committees, receipt of funds, and permissible
8 disbursements; and generally relating to draft committees and exploratory
9 committees.

10 BY repealing and reenacting, without amendments,
11 Article – Election Law
12 Section 1–101(a), (l), and (gg)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Election Law
17 Section 13–107
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2022 Supplement)

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

22 **Article – Election Law**

23 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(l) (1) “Candidate” means an individual who files a certificate of candidacy for a public or party office.

(2) “Candidate” includes:

(i) an incumbent judge of the Court of Appeals or Court of Special Appeals at an election for continuance in office; and

(ii) an individual, prior to that individual filing a certificate of candidacy, if a campaign finance entity has been established on behalf of that individual.

(gg) “Political committee” means a combination of two or more individuals that has as its major purpose promoting the success or defeat of a candidate, political party, question, or prospective question submitted to a vote at any election.

13–107.

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

(2) “DRAFT COMMITTEE” MEANS AN ENTITY THAT IS ORGANIZED TO ENCOURAGE A POTENTIAL CANDIDATE TO RUN FOR OFFICE BUT IS NOT AUTHORIZED BY THE POTENTIAL CANDIDATE.

(3) (I) “EXPLORATORY COMMITTEE” MEANS AN ENTITY ESTABLISHED BY A POTENTIAL CANDIDATE FOR A PUBLIC OFFICE TO DETERMINE THE POTENTIAL CANDIDATE’S VIABILITY FOR THAT PUBLIC OFFICE.

(II) “EXPLORATORY COMMITTEE” DOES NOT INCLUDE A POLITICAL COMMITTEE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL PROVISIONS OF THIS TITLE THAT APPLY TO A POLITICAL COMMITTEE ALSO APPLY TO A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE.

(C) A PERSON MAY ESTABLISH A DRAFT COMMITTEE FOR A PUBLIC OFFICE FOR AN INDIVIDUAL ONLY IF:

(1) THE DRAFT COMMITTEE IS NOT ESTABLISHED IN COORDINATION OR COOPERATION WITH THE INDIVIDUAL IT INTENDS TO ENCOURAGE TO SEEK PUBLIC OFFICE; AND

1 **(2) THE INDIVIDUAL THE DRAFT COMMITTEE INTENDS TO**
2 **ENCOURAGE TO SEEK PUBLIC OFFICE IS NOT A CANDIDATE.**

3 **(D) AN INDIVIDUAL WHO IS A CANDIDATE MAY NOT ESTABLISH A DRAFT**
4 **COMMITTEE OR AN EXPLORATORY COMMITTEE FOR A PUBLIC OFFICE.**

5 **(E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, A DRAFT COMMITTEE**
6 **OR AN EXPLORATORY COMMITTEE FOR AN INDIVIDUAL MAY RECEIVE FUNDS AND**
7 **MAKE DISBURSEMENTS TO DETERMINE THE INDIVIDUAL'S VIABILITY FOR A PUBLIC**
8 **OFFICE.**

9 **(F) A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE MAY MAKE A**
10 **DISBURSEMENT ONLY FOR THE FOLLOWING ACTIVITIES:**

11 **(1) CONDUCTING SURVEYS OR POLLS REGARDING VIABILITY OF THE**
12 **POTENTIAL CANDIDATE FOR A PUBLIC OFFICE;**

13 **(2) DIRECT MAILINGS AND OTHER COMMUNICATIONS TO POTENTIAL**
14 **VOTERS;**

15 **(3) EMPLOYING STAFF; AND**

16 **(4) ESTABLISHING A WEBSITE.**

17 **(G) A DRAFT COMMITTEE OR AN EXPLORATORY COMMITTEE MAY NOT PAY**
18 **ANY EXPENSE IN ADVANCE FOR GOODS OR SERVICES TO BE USED BY THE POLITICAL**
19 **COMMITTEE OF THE POTENTIAL CANDIDATE ONCE THE POTENTIAL CANDIDATE**
20 **REGISTERS AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE.**

21 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
22 **October 1, 2023.**