

HOUSE BILL 17

G1

2lr0312

(PRE-FILED)

By: **Delegate Palakovich Carr**

Requested: July 13, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 15, 2022

CHAPTER _____

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~~ 13-244 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**

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 ~~13-106~~ 13-244.

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

4 (2) “ELECTIONEERING COMMUNICATION” HAS THE MEANING STATED
5 IN § 13-307 OF THIS TITLE.

6 (3) “PERSON” INCLUDES A VENDOR FOR:

7 (I) A POLITICAL COMMITTEE; OR

8 (II) A PERSON MAKING INDEPENDENT EXPENDITURES OR
9 ELECTIONEERING COMMUNICATIONS.

10 ~~(A)~~ (B) (1) A PERSON SOLICITING A RECURRING CONTRIBUTION FOR A
11 POLITICAL COMMITTEE OR A RECURRING DONATION FOR AN INDEPENDENT
12 EXPENDITURE OR ELECTIONEERING COMMUNICATION MAY ACCEPT THE
13 RECURRING CONTRIBUTION OR DONATION ONLY IF THE CONTRIBUTOR OR DONOR
14 GIVES AFFIRMATIVE CONSENT FOR THE RECURRING CONTRIBUTION OR DONATION.

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

19 ~~(B)~~ (C) IF A CONTRIBUTOR OR DONOR AFFIRMATIVELY CONSENTS TO
20 MAKING A RECURRING CONTRIBUTION OR DONATION, THE PERSON SOLICITING THE
21 RECURRING CONTRIBUTION OR DONATION SHALL:

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

25 (I) THE FREQUENCY OF THE RECURRING CONTRIBUTIONS OR
26 DONATIONS;

27 (II) THE DURATION OF THE RECURRING CONTRIBUTIONS OR
28 DONATIONS; AND

29 (III) ALL INFORMATION NEEDED TO CANCEL A RECURRING
30 CONTRIBUTION OR DONATION; AND

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

(D) (1) (I) A POLITICAL COMMITTEE THAT OBTAINS A CONTRIBUTION IN VIOLATION OF THIS SECTION SHALL RETURN THE CONTRIBUTION TO THE CONTRIBUTOR IMMEDIATELY AFTER OBTAINING THE CONTRIBUTION.

(II) THE AMOUNT OF ANY CONTRIBUTION OBTAINED IN VIOLATION OF THIS SECTION IS AN OUTSTANDING OBLIGATION OF THE POLITICAL COMMITTEE THAT OBTAINED THE CONTRIBUTION UNTIL THE CONTRIBUTION IS REPAYED TO THE CONTRIBUTOR.

(2) (I) A PERSON MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS WHO OBTAINS A DONATION IN VIOLATION OF THIS SECTION SHALL RETURN THE DONATION TO THE DONOR IMMEDIATELY AFTER OBTAINING THE DONATION.

(II) THE AMOUNT OF ANY DONATION OBTAINED IN VIOLATION OF THIS SECTION IS AN OUTSTANDING OBLIGATION OF THE PERSON MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS WHO OBTAINED THE DONATION UNTIL THE DONATION IS REPAYED TO THE DONOR.

13-604.1.

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

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

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

(10) SOLICITING A RECURRING CONTRIBUTION OR DONATION WITHOUT THE AFFIRMATIVE CONSENT OF THE CONTRIBUTOR OR DONOR AS REQUIRED IN ~~§ 13-106~~ § 13-244 OF THIS TITLE.

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