

HOUSE BILL 118

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7lr1394
CF SB 632

By: **Delegate Luedtke**

Introduced and read first time: January 16, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Persons Doing Public Business – Reporting by Governmental**
3 **Entities**

4 FOR the purpose of repealing the requirement that a governmental entity notify the State
5 Board of Elections if a person doing public business with the governmental entity
6 fails to file a statement under a certain provision of law; requiring a governmental
7 entity that has awarded a person a contract that causes the person to be doing public
8 business to provide the State Board with certain information; authorizing the
9 governmental entity to comply with a certain provision of this Act by sending a
10 certain quarterly report to the State Board; requiring that the quarterly report
11 include the required information for certain persons and be submitted by a certain
12 date; and generally relating to reporting by governmental entities of persons doing
13 public business.

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 14–107
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2016 Supplement)

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

21 **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 14-107.

2 (a) (1) Except as provided in paragraph (2) of this subsection, a governmental
3 entity that has awarded a person a contract that causes the person to be doing public
4 business shall:

5 (i) require the person to certify that the person has filed the
6 statement required under § 14-104(b)(1) of this title; and

7 (ii) [notify the State Board if a person doing public business with the
8 governmental entity fails to file the statement under § 14-104(b)(1) of this title] **PROVIDE**
9 **THE STATE BOARD WITH THE PERSON'S NAME, ADDRESS, AND ANY OTHER CONTACT**
10 **INFORMATION REQUIRED BY THE STATE BOARD.**

11 **(2) (I) A GOVERNMENTAL ENTITY MAY COMPLY WITH PARAGRAPH**
12 **(1)(II) OF THIS SUBSECTION BY SENDING TO THE STATE BOARD A QUARTERLY**
13 **REPORT ON A FORM PROVIDED BY THE STATE BOARD.**

14 ~~**(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF**~~
15 ~~**THIS PARAGRAPH SHALL INCLUDE THE REQUIRED INFORMATION FOR ANY PERSON**~~
16 ~~**THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING PUBLIC**~~
17 ~~**BUSINESS SINCE THE LAST REPORT WAS SENT BY THE GOVERNMENTAL ENTITY.**~~

18 **(II) A QUARTERLY REPORT SENT UNDER SUBPARAGRAPH (I) OF**
19 **THIS PARAGRAPH SHALL:**

20 **1. INCLUDE THE REQUIRED INFORMATION FOR ANY**
21 **PERSON THAT WAS AWARDED A CONTRACT THAT CAUSED THE PERSON TO BE DOING**
22 **PUBLIC BUSINESS WITH THE GOVERNMENTAL ENTITY DURING THE PRECEDING**
23 **CALENDAR QUARTER; AND**

24 **2. BE SUBMITTED TO THE STATE BOARD NO LATER**
25 **THAN 10 BUSINESS DAYS AFTER THE CLOSE OF EACH CALENDAR QUARTER.**

26 **[(2)] (3)** This subsection does not apply to a contract for which notice of
27 award has been posted on eMaryland Marketplace.

28 (b) (1) If a person files a statement under § 14-104 of this title that does not
29 include all the information required, the State Board shall notify the person in writing of
30 the particular deficiencies.

31 (2) Within 30 days after service of the notice under paragraph (1) of this
32 subsection, the person shall file an amended statement that includes all the information
33 required.

1 (c) (1) As provided in this subsection, the State Board may impose fees for late
2 filing of:

3 (i) a statement required under § 14–104 of this title; or

4 (ii) an amended statement required under subsection (b) of this
5 section.

6 (2) The State Board may impose late filing fees in the same amounts and
7 in the same manner as provided under § 13–331(a) and (b) of this article for late filing of
8 campaign finance reports.

9 (3) Late filing fees imposed under this subsection shall be distributed to
10 the Fair Campaign Financing Fund established under § 15–103 of this article.

11 (d) A person who knowingly and willfully violates this title is guilty of a
12 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment
13 not exceeding 1 year or both.

14 (e) An officer or partner of a business entity who knowingly authorizes or
15 participates in a violation of this title by the business entity is subject to the penalty
16 provided in subsection (d) of this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.