

HOUSE BILL 118

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7lr1394
CF 7lr1395

By: **Delegate Luedtke**

Introduced and read first time: January 16, 2017

Assigned to: Ways and Means

A BILL ENTITLED

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 generally relating to
12 reporting by governmental entities of persons doing public business.

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

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

20 **Article – Election Law**

21 14–107.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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