

HOUSE BILL 1162

G1
HB 949/21 – W&M

2lr2796

By: **Delegate Washington**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Collections by Membership Entities – Noncampaign**
3 **Political Activity**

4 FOR the purpose of authorizing a membership entity to require a member to donate to
5 noncampaign political activity of the membership entity up to a certain portion of
6 the total annual amount the member is required to pay as dues, fees, or other
7 assessments as a condition of membership if the member exercises the right not to
8 contribute to a political action committee affiliated with the membership entity; and
9 generally relating to collections by membership entities for noncampaign political
10 activity.

11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 13–243
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

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

18 **Article – Election Law**

19 13–243.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Affiliated political action committee” means a political action
22 committee affiliated with a membership entity.

23 **(3) “LEGISLATIVE ADVOCACY” MEANS TO PROMOTE OR ASSIST IN THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**PROMOTION OF THE SUCCESS OR DEFEAT OF A BILL, RESOLUTION, OR OTHER
LEGISLATIVE MEASURE OR ACTION.**

[(3)] (4) “Membership entity” means an organization that collects dues from its members.

**(5) (I) “NONCAMPAIGN POLITICAL ACTIVITY” INCLUDES
LEGISLATIVE ADVOCACY AND LOBBYING.**

**(II) “NONCAMPAIGN POLITICAL ACTIVITY” DOES NOT INCLUDE
CAMPAIGN FINANCE ACTIVITY OR ANY ACTIVITY:**

**1. REQUIRED TO BE CONDUCTED THROUGH A POLITICAL
COMMITTEE ; OR**

**2. REQUIRED TO BE REPORTED UNDER § 13-306, §
13-307, OR § 13-309.2 OF THIS TITLE.**

(b) A membership entity may establish a program for periodically collecting from its members and accumulating voluntary contributions by the members to an affiliated political action committee if those contributions are collected together with:

(1) membership dues invoiced and collected by the membership entity; or

(2) contributions by the members to a political action committee established under federal law, if that political action committee is also affiliated with the membership entity.

**(C) IF A MEMBER EXERCISES THE MEMBER’S RIGHT UNDER THIS SECTION
NOT TO CONTRIBUTE TO A POLITICAL ACTION COMMITTEE AFFILIATED WITH A
MEMBERSHIP ENTITY, THE MEMBERSHIP ENTITY MAY REQUIRE THE MEMBER TO
DONATE TO NONCAMPAIGN POLITICAL ACTIVITY OF THE MEMBERSHIP ENTITY UP
TO 25% OF THE TOTAL ANNUAL AMOUNT THAT THE MEMBER IS REQUIRED TO PAY
AS DUES, FEES, OR OTHER ASSESSMENTS AS A CONDITION OF MEMBERSHIP.**

[(c)] (D) A membership entity shall keep detailed and accurate records of each contribution received under subsection (b) of this section, including:

(1) the name and address of the contributor;

(2) the date on which the contribution is withheld;

(3) the amount of the contribution; and

(4) the disposition of the contribution.

1 ~~[(d)] (E)~~ Within 30 days after being received, a contribution under this section
2 shall be transmitted by the membership entity, with the information recorded under
3 subsection ~~[(c)(1),] (D)(1)~~, (2), and (3) of this section, to its affiliated political action
4 committee.

5 ~~[(e)] (F)~~ In soliciting a member, by joint invoice for membership dues or for a
6 contribution to an affiliated federal political action committee, to make a contribution to its
7 affiliated political action committee, a membership entity shall inform the member of:

8 (1) the political purposes of the affiliated political action committee; ~~[and]~~

9 (2) the member's right to refuse to contribute to the political action
10 committee without reprisal; **AND**

11 **(3) IF APPLICABLE, THE MEMBER'S RIGHT TO REDIRECT THE**
12 **PORTION OF THE AMOUNT INVOICED THAT IS DESIGNATED AS A CONTRIBUTION TO**
13 **THE POLITICAL ACTION COMMITTEE TO NONCAMPAIGN POLITICAL ACTIVITY OF THE**
14 **MEMBERSHIP ENTITY.**

15 ~~[(f)] (G)~~ **(1)** An employee membership entity or its affiliated political action
16 committee entity may not receive or use money or anything of value under this section if it
17 is obtained:

18 ~~[(1)] (I)~~ by actual or threatened:

19 ~~[(i)]~~ 1. physical force;

20 ~~[(ii)]~~ 2. membership discrimination; or

21 ~~[(iii)]~~ 3. financial or professional reprisal; or

22 **[(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
23 **SUBSECTION, as dues, fees, or other assessment required as a condition of membership.**

24 **(2) A MEMBERSHIP ENTITY MAY RECEIVE AND USE A DONATION FOR**
25 **NONCAMPAIGN POLITICAL ACTIVITY AS PART OF DUES, FEES, OR OTHER**
26 **ASSESSMENTS REQUIRED AS A CONDITION OF MEMBERSHIP IF THE DONATION IS**
27 **OBTAINED IN ACCORDANCE WITH THIS SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2022.