

SENATE BILL 854

G1, P1, G2

7lr3210
CF HB 303

By: **Senators Madaleno, Conway, and Ferguson**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Departmental Secretaries – Campaign and Working Hour Activities**

3 FOR the purpose of prohibiting a secretary of a principal department of the Executive
4 Branch of State government from soliciting, accepting, transmitting, or depositing in
5 a campaign account contributions or donations for the benefit of a candidate or
6 political party; prohibiting a secretary from being a candidate for a public elective
7 office while serving as secretary; requiring a campaign finance entity or other entity
8 that receives a contribution or donation as a result of a violation of this Act to refund
9 the contribution or donation to the contributor or donor; authorizing the State Board
10 of Elections to impose a civil penalty on a campaign finance entity or other entity
11 that receives a contribution or donation as a result of a violation of this Act; requiring
12 a civil penalty under this Act to be distributed to the Fair Campaign Financing Fund;
13 requiring the State Board to refer a certain matter to the State Ethics Commission
14 for review and a certain determination; requiring a secretary to disclose certain
15 information concerning out-of-office events and meetings attended and travel by the
16 secretary; requiring that the information be accessible to the public through a link
17 from a certain Web site and be updated at certain times and in a certain manner;
18 defining certain terms; and generally relating to campaign and working hour
19 activities of departmental secretaries.

20 BY adding to

21 Article – Election Law

22 Section 13–244

23 Annotated Code of Maryland

24 (2010 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – General Provisions

27 Section 5–506

28 Annotated Code of Maryland

29 (2014 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – State Government
Section 8–201
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to
Article – State Government
Section 8–207
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Election Law

13–244.

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

**(2) “SECRETARY” MEANS A SECRETARY OF A PRINCIPAL
DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

(3) “SOLICIT” INCLUDES:

**(I) THE AUTHORIZED USE OF THE NAME, IMAGE, OR TITLE OF A
SECRETARY IN CAMPAIGN MATERIAL; OR**

**(II) BEING A FEATURED SPEAKER AT A CAMPAIGN FUNDRAISING
EVENT.**

(B) A SECRETARY MAY NOT:

**(1) SOLICIT, ACCEPT, TRANSMIT, OR DEPOSIT IN A CAMPAIGN
ACCOUNT CONTRIBUTIONS OR DONATIONS FOR THE BENEFIT OF A CANDIDATE OR
POLITICAL PARTY; OR**

**(2) BE A CANDIDATE FOR A PUBLIC ELECTIVE OFFICE WHILE SERVING
AS SECRETARY.**

(C) THIS SECTION DOES NOT PROHIBIT A SECRETARY FROM:

1 **(1) MAKING A PERSONAL POLITICAL CONTRIBUTION;**

2 **(2) INFORMING ANY PERSON OF A POSITION TAKEN BY A CANDIDATE**
3 **OR OFFICIAL; OR**

4 **(3) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY PROHIBITED**
5 **UNDER SUBSECTION (B) OF THIS SECTION.**

6 **(D) (1) A CAMPAIGN FINANCE ENTITY OR OTHER ENTITY THAT RECEIVES**
7 **A CONTRIBUTION OR DONATION AS A RESULT OF A VIOLATION OF THIS SECTION:**

8 **(I) SHALL REFUND THE CONTRIBUTION OR DONATION TO THE**
9 **CONTRIBUTOR OR DONOR; AND**

10 **(II) MAY BE ASSESSED A CIVIL PENALTY AS PROVIDED IN**
11 **PARAGRAPH (2) OF THIS SUBSECTION.**

12 **(2) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY ON A CAMPAIGN**
13 **FINANCE ENTITY OR OTHER ENTITY THAT RECEIVES A CONTRIBUTION OR DONATION**
14 **AS A RESULT OF A VIOLATION OF THIS SECTION:**

15 **(I) IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS TITLE;**
16 **AND**

17 **(II) IN AN AMOUNT NOT EXCEEDING THE SUM OF \$1,000 PLUS**
18 **THE AMOUNT OF THE CONTRIBUTION OR DONATION.**

19 **(3) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE**
20 **DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §**
21 **15-103 OF THIS ARTICLE.**

22 **(E) IF THE STATE BOARD FINDS THAT A SECRETARY HAS VIOLATED THIS**
23 **SECTION, THE STATE BOARD SHALL REFER THE MATTER TO THE STATE ETHICS**
24 **COMMISSION FOR REVIEW AND A DETERMINATION OF WHETHER THE SECRETARY**
25 **VIOLATED § 5-506 OF THE GENERAL PROVISIONS ARTICLE.**

26 **Article – General Provisions**

27 **5-506.**

28 **(a) An official or employee may not intentionally use the prestige of office or public**
29 **position for that official's or employee's private gain or that of another.**

30 **(b) The performance of usual and customary constituent services, without**
31 **additional compensation, is not prohibited under subsection (a) of this section.**

Article – State Government

8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

- (1) Aging;
- (2) Agriculture;
- (3) Budget and Management;
- (4) Commerce;
- (5) Disabilities;
- (6) the Environment;
- (7) General Services;
- (8) Health and Mental Hygiene;
- (9) Housing and Community Development;
- (10) Human Resources;
- (11) Information Technology;
- (12) Juvenile Services;
- (13) Labor, Licensing, and Regulation;
- (14) Natural Resources;
- (15) Planning;
- (16) Public Safety and Correctional Services;
- (17) State Police;
- (18) Transportation; and

1 (19) Veterans Affairs.

2 **8-207.**

3 (A) THE SECRETARY OF EACH PRINCIPAL DEPARTMENT SHALL DISCLOSE
4 THE FOLLOWING INFORMATION:

5 (1) ALL EVENTS AND MEETINGS ATTENDED BY THE SECRETARY THAT
6 TAKE PLACE OUTSIDE THE SECRETARY'S OFFICE DURING REGULAR WORKING
7 HOURS WHEN THE SECRETARY IS NOT ON LEAVE;

8 (2) ALL TRAVEL BY THE SECRETARY, INSIDE OR OUTSIDE THE STATE,
9 THAT IS PAID FOR BY THE STATE OR TAKES PLACE DURING REGULAR WORKING
10 HOURS WHEN THE SECRETARY IS NOT ON LEAVE; AND

11 (3) HOW EACH ACTIVITY DESCRIBED IN ITEMS (1) AND (2) OF THIS
12 SUBSECTION RELATES TO THE WORK OF THE DEPARTMENT.

13 (B) THE INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS
14 SECTION SHALL BE:

15 (1) ACCESSIBLE TO THE PUBLIC THROUGH A LINK FROM THE HOME
16 PAGE OF EACH DEPARTMENT'S WEB SITE; AND

17 (2) UPDATED ON THE FIRST DAY OF EACH MONTH TO INCLUDE
18 INFORMATION FOR THE PREVIOUS MONTH.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2017.