

Chapter 109

(House Bill 17)

AN ACT concerning

Campaign Finance – Recurring Contributions and Donations – Requirements

FOR the purpose of establishing requirements for the solicitation of a recurring contribution for a political committee or a recurring donation for an independent expenditure or electioneering communication; and generally relating to recurring contributions and donations for campaign-related purposes.

BY adding to

Article – Election Law

Section ~~13-106~~ 13-244 and 13-604.1(b)(10)

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 13-604.1(b)(8) and (9)

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law~~13-106.~~ 13-244.

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

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

(3) “PERSON” INCLUDES A VENDOR FOR:

(I) A POLITICAL COMMITTEE; OR

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

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

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

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

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

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

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

(III) ALL INFORMATION NEEDED TO CANCEL A RECURRING 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.

Approved by the Governor, April 12, 2022.