

HOUSE BILL 1805

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8lr4007

By: **Delegate Lafferty**

Introduced and read first time: March 5, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Fund–Raising and Donations in Connection With a Campaign –**
3 **Prohibition on Firearms**

4 FOR the purpose of prohibiting candidates and certain persons associated with candidates
5 from receiving certain contributions through, conducting fund–raising events using,
6 and soliciting certain contributions through the sale of prohibited firearms;
7 providing that conduct prohibited under a certain provision of this Act includes
8 certain auctions, raffles, sales of, or any other exchanges of a prohibited firearm as
9 a means of raising funds for a candidate; prohibiting candidates and certain persons
10 associated with candidates from giving away or donating prohibited firearms in
11 connection with a campaign; authorizing the State Board of Elections to impose a
12 civil penalty for a violation of this Act by a campaign finance entity; requiring that
13 certain civil penalties be distributed to the Fair Campaign Financing Fund; making
14 conforming changes; defining certain terms; and generally relating to campaign
15 fund–raising and donations in connection with a campaign using prohibited
16 firearms.

17 BY adding to
18 Article – Election Law
19 Section 13–235.1 and 13–245.1
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 13–604.1(b)
25 Annotated Code of Maryland
26 (2017 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Election Law

13-235.1.

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

(2) (I) “PROHIBITED FIREARM” MEANS:

1. A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACT OF AN EXPLOSIVE; OR

2. THE FRAME OR RECEIVER OF SUCH A WEAPON.

(II) “PROHIBITED FIREARM” DOES NOT INCLUDE A SHOTGUN.

(3) “SHOTGUN” MEANS A WEAPON THAT IS:

(I) DESIGNED OR REDESIGNED, MADE OR REMADE, AND INTENDED TO BE FIRED FROM THE SHOULDER; AND

(II) DESIGNED OR REDESIGNED AND MADE OR REMADE TO USE THE ENERGY OF THE EXPLOSIVE IN A FIXED SHOTGUN SHELL TO FIRE THROUGH A SMOOTH BORE ONE OR MORE PROJECTILES FROM EACH PULL OF THE TRIGGER.

(B) (1) A CANDIDATE OR A PERSON ACTING ON BEHALF OF A CANDIDATE, OR A CAMPAIGN FINANCE ENTITY OF A CANDIDATE, OR ANY OTHER CAMPAIGN FINANCE ENTITY ORGANIZED UNDER THIS TITLE AND OPERATED IN COORDINATION WITH A CANDIDATE MAY NOT RECEIVE A CONTRIBUTION THROUGH, CONDUCT A FUND-RAISING EVENT USING, OR SOLICIT A CONTRIBUTION THROUGH THE SALE OF A PROHIBITED FIREARM.

(2) THE CONDUCT PROHIBITED UNDER THIS SUBSECTION INCLUDES THE AUCTION, RAFFLE, SALE, OR ANY OTHER EXCHANGE OF A PROHIBITED FIREARM AS A MEANS OF RAISING FUNDS FOR A CANDIDATE.

(C) (1) IF THIS SECTION IS VIOLATED, THE CAMPAIGN FINANCE ENTITY OF THE CANDIDATE IN VIOLATION IS LIABLE FOR A CIVIL PENALTY AS PROVIDED IN § 13-604.1 OF THIS TITLE.

(2) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §

1 **15-103 OF THIS ARTICLE.**

2 **13-245.1.**

3 (A) IN THIS SECTION, "PROHIBITED FIREARM" HAS THE MEANING STATED
4 IN § 13-235.1 OF THIS SUBTITLE.

5 (B) A CANDIDATE OR A PERSON ACTING ON BEHALF OF A CANDIDATE, OR A
6 CAMPAIGN FINANCE ENTITY OF A CANDIDATE, OR ANY OTHER CAMPAIGN FINANCE
7 ENTITY ORGANIZED UNDER THIS TITLE AND OPERATED IN COORDINATION WITH A
8 CANDIDATE MAY NOT GIVE AWAY OR DONATE A PROHIBITED FIREARM IN
9 CONNECTION WITH THE CAMPAIGN.

10 (C) (1) IF THIS SECTION IS VIOLATED, THE CAMPAIGN FINANCE ENTITY
11 OF THE CANDIDATE IN VIOLATION IS LIABLE FOR A CIVIL PENALTY AS PROVIDED IN
12 § 13-604.1 OF THIS TITLE.

13 (2) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE
14 DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §
15 15-103 OF THIS ARTICLE.

16 13-604.1.

17 (b) The State Board may impose a civil penalty in accordance with this section for
18 the following violations:

19 (1) making a disbursement in a manner not authorized in § 13-218(b)(2),
20 (c), and (d) of this title;

21 (2) failure to maintain a campaign bank account as required in § 13-220(a)
22 of this title;

23 (3) making a disbursement by a method not authorized in § 13-220(d) of
24 this title;

25 (4) failure to maintain detailed and accurate account books and records as
26 required in § 13-221 of this title;

27 (5) fund-raising during the General Assembly session in a manner not
28 authorized in § 13-235 of this title;

29 (6) FUND-RAISING USING A PROHIBITED FIREARM IN VIOLATION OF §
30 13-235.1 OF THIS TITLE;

31 (7) GIVING AWAY OR DONATING A PROHIBITED FIREARM IN

1 VIOLATION OF § 13-245.1 OF THIS TITLE;

2 ~~[(6)] (8)~~ failure to report all contributions received and expenditures
3 made as required in § 13-304(b) of this title;

4 ~~[(7)] (9)~~ failure to include an authority line on campaign material as
5 required in § 13-401 of this title; or

6 ~~[(8)] (10)~~ failure to retain a copy of campaign material as required in
7 § 13-403 of this title.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
9 1, 2018.