

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Chair, Education, Health, and Environmental Affairs
Committee (By Request - Departmental - Elections, State Board of)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Campaign Finance Reporting - Enforcement of Late Fees**

3 FOR the purpose of authorizing certain prosecuting authorities to refer certain
4 matters for action to the Central Collection Unit in the Department of Budget
5 and Management under certain circumstances; prohibiting an individual from
6 signing the name of any other individual on certain forms or other documents
7 *under certain circumstances*; providing for a delayed effective date; and
8 generally relating to campaign finance reporting and enforcement.

9 BY repealing and reenacting, with amendments,
10 Article -Election Law
11 Section 13-335 and 13-602
12 Annotated Code of Maryland
13 (2003 Volume and 2005 Supplement)

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

3 **Article - Election Law**

4 13-335.

5 (a) (1) If the State Board determines that there has been, for more than 30
6 days, a failure to file a campaign finance report within the meaning of § 13-327 of
7 this subtitle, the State Board shall issue the notice prescribed in paragraph (2) of this
8 subsection to the responsible officers of the campaign finance entity in violation.

9 (2) The notice shall demand that, within 30 days after service of the
10 notice, either:

11 (i) the failure to file be rectified and any late filing fee due be paid;
12 or

13 (ii) the responsible officers show cause why the State Board should
14 not ask the appropriate prosecuting authority to prosecute the responsible officers for
15 a violation of this subtitle.

16 (3) IN ITS DISCRETION, THE APPROPRIATE PROSECUTING AUTHORITY
17 MAY REFER THE MATTER FOR ACTION TO THE CENTRAL COLLECTION UNIT WITHIN
18 THE DEPARTMENT OF BUDGET AND MANAGEMENT.

19 (b) A responsible officer who fails, without cause, to file the campaign finance
20 report and pay the late fee within 30 days after service of the notice prescribed in
21 subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject
22 to the penalties prescribed in § 13-603 of this title.

23 13-602.

24 (a) (1) A person may not directly or indirectly give, offer, or promise money,
25 aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing to
26 another person for the purpose of inducing or procuring that person to vote or refrain
27 from voting for or against:

28 (i) an individual, question, or measure at an election or political
29 convention; or

30 (ii) the election of an officer by the General Assembly.

31 (2) A person may not directly or indirectly receive, accept, request, or
32 solicit money, aid, a gift, an advantage, a preferment, an emolument, or any other
33 valuable thing from another person for the purpose of inducing or procuring a third
34 person to vote or refrain from voting for or against an individual, question, or
35 measure at an election or political convention.

1 (3) A person may not vote or refrain from voting for or against an
2 individual, question, or measure at an election or a political convention, in
3 consideration of money, aid, a gift, an advantage, a preferment, an emolument, or any
4 other valuable thing paid, received, accepted, or promised to the advantage of that
5 person or of another person.

6 (4) (i) A person, to defray the costs of a campaign finance entity, may
7 not directly or indirectly pay, give, or promise money or any other valuable thing to
8 any person other than a campaign finance entity.

9 (ii) Subparagraph (i) of this paragraph does not apply to:

10 1. dues regularly paid for membership in a political club if all
11 of the money that is spent by that political club in connection with any campaign
12 finance activity is paid through a treasurer as provided in this title;

13 2. an individual volunteering the individual's time or
14 personal vehicle in accordance with § 13-232 of this title;

15 3. an employer's accumulation of employee contributions in
16 accordance with § 13-242 of this title; or

17 4. advertising costs or other expenses incident to the
18 expression of personal views in accordance with § 13-102 of this title.

19 (5) A person may not directly or indirectly pay or promise to pay a
20 campaign finance entity in a name other than the person's name.

21 (6) A responsible officer of a campaign finance entity may not knowingly
22 receive a payment or promise of payment and enter it or cause it to be entered in an
23 account book in a name that the responsible officer knows is not the name of the
24 person that made the payment or the promise to pay.

25 (7) An employer who pays employees in envelopes may not mark on or
26 enclose in the envelopes a political motto, device, or argument that contains express
27 or implied threats intended to influence the political opinions or actions of those
28 employees.

29 (8) During the 90 days before an election, an employer may not exhibit in
30 the employer's workplace:

31 (i) a threat, a notice, or information that, on the election or defeat
32 of a particular ticket or candidate:

33 1. work will cease, wholly or partly;

34 2. the workplace will close; or

35 3. employees' wages will be reduced; or

1 (ii) any other threat, expressed or implied, intended to influence
2 the political opinions or actions of the employer's employees.

3 (9) A person may not publish or distribute, or cause to be published or
4 distributed, campaign material that violates § 13-401 of this title.

5 (10) A candidate may not make a payment, contribution, or expenditure,
6 or incur a liability to pay, contribute, or expend, from the candidate's personal funds
7 any money or valuable thing in a manner not authorized by § 13-230 of this title.

8 (11) AN INDIVIDUAL MAY NOT SIGN THE NAME OF ANY OTHER
9 INDIVIDUAL ON ANY FORM OR OTHER DOCUMENT UNDER THIS TITLE, ~~WITH OR~~
10 WITHOUT THE AUTHORITY OF THE INDIVIDUAL WHOSE NAME IS SIGNED.

11 (b) A person who violates this section is guilty of a misdemeanor and on
12 conviction is:

13 (1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding
14 1 year or both; and

15 (2) ineligible to hold any public or party office for 4 years after the date
16 of the offense.

17 (c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State,
18 a person that the State Prosecutor believes to be guilty of a willful violation of this
19 section.

20 (2) A State's Attorney may prosecute a person that the State's Attorney
21 believes to be guilty of a willful violation of this section in the county in which the
22 State's Attorney serves.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect January 1, 2007.