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

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 providing for a delayed effective date; and generally relating to campaign
8 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)

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

16 **Article - Election Law**

17 13-335.

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

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

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

25 or

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

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

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

11 13-602.

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

16 (i) an individual, question, or measure at an election or political
17 convention; or

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

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

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

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

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

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

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

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

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

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

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