

## Chapter 703

**(House Bill 878)**

AN ACT concerning

**Election Law – Campaign Finance Reports – Late Fees and Certificates of Nomination**

FOR the purpose of altering the fees that are due for failure to file a campaign finance report, an affidavit, or an amended campaign finance report; altering the maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report; prohibiting an individual from being issued a certificate of nomination if, on or before a certain date, the individual has failed to file a campaign finance report, an affidavit, or an amended campaign finance report or pay a certain late filing fee; requiring the State Board of Elections to send a certain notice by a certain date to certain candidates; requiring that a vacancy in nomination that occurs as a result of this Act be filled in a certain manner; making conforming changes; and generally relating to sanctions for failure to file campaign finance reports.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 5–705(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–705(b)(1) and (2) and 13–331

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

BY adding to

Article – Election Law

Section 13–332.1

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

5–705.

(a) A certificate of nomination that entitles a candidate for public office to have the candidate's name listed on the general election ballot and submitted to the voters at the general election shall be issued in accordance with this section.

(b) (1) **[The] SUBJECT TO § 13-332.1 OF THIS ARTICLE, THE** State Board shall issue a certificate of nomination to each candidate who files a certificate of candidacy with the State Board and who qualifies for the nomination.

(2) **[The] SUBJECT TO § 13-332.1 OF THIS ARTICLE, THE** local board with which a candidate files a certificate of candidacy shall issue a certificate of nomination to each candidate who qualifies for the nomination.

13-331.

(a) In accordance with subsection (b) of this section, the State Board shall assess **[a] late filing [fee] FEES** for a failure to file a campaign finance report, an affidavit, or an amended campaign finance report, as specified in § 13-327 of this subtitle.

(b) (1) The **[fee is \$10] STATE BOARD SHALL ASSESS THE FEES IN THE FOLLOWING AMOUNTS** for each day or part of a day that a campaign finance report, an affidavit, or an amended campaign finance report is overdue:

**(I) \$20 FOR EACH OF THE FIRST 7 DAYS;**

**(II) \$35 FOR EACH OF THE FOLLOWING 7 DAYS; AND**

**(III) \$50 FOR EACH DAY THEREAFTER.**

**[(2) An additional fee of \$10 is due for each of the first 6 days that a preelection campaign finance report under § 13-309 of this subtitle is overdue.]**

**[(3) (2) The maximum fee payable for a campaign finance report, an affidavit, or an amended campaign finance report is [\$500] ~~\$1,500~~ \$1,000.**

(c) (1) The State Board shall accept an overdue campaign finance report, affidavit, or amended campaign finance report that is submitted without payment of the late filing fee, but the campaign finance report, affidavit, or amended campaign finance report is not considered filed until the fee has been paid.

(2) After an overdue campaign finance report, affidavit, or amended campaign finance report is received under paragraph (1) of this subsection no further late filing fee shall be incurred.

(d) (1) Subject to paragraph (2) of this subsection, a late filing fee shall be paid by the campaign finance entity.

(2) If the campaign finance entity has insufficient funds with which to pay a late filing fee in a timely manner, the late filing fee is the joint and several liability of the responsible officers.

**13-332.1.**

(A) ~~AN A INDIVIDUAL~~ CANDIDATE MAY NOT BE ISSUED A CERTIFICATE OF NOMINATION UNDER § 5-705 OF THIS ARTICLE IF, ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE, THE INDIVIDUAL CANDIDATE HAS FAILED TO:

(1) FILE A CAMPAIGN FINANCE REPORT, AN AFFIDAVIT, OR AN AMENDED CAMPAIGN FINANCE REPORT THAT IS DUE UNDER THIS SUBTITLE FROM, OR ON BEHALF OF, THAT ~~INDIVIDUAL~~ CANDIDATE; OR

(2) PAY A LATE FILING FEE THAT IS DUE UNDER § 13-331 OF THIS SUBTITLE.

(B) NOT LATER THAN 20 DAYS BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE, THE STATE BOARD SHALL SEND A WRITTEN NOTICE TO EACH CANDIDATE WHO WAS SUCCESSFUL IN THE PRIMARY ELECTION AND HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT OR AN AFFIDAVIT OR PAY A LATE FILING FEE THAT THE CANDIDATE WILL BE DEEMED TO HAVE DECLINED THE NOMINATION IF THE CANDIDATE DOES NOT RECTIFY THE FAILURE ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE.

~~(B)~~ (C) A VACANCY IN NOMINATION THAT OCCURS AS A RESULT OF SUBSECTION (A) OF THIS SECTION SHALL BE FILLED IN ACCORDANCE WITH TITLE 5, SUBTITLE 10 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.**