

HOUSE BILL 627

E2, G1

0lr2826

By: **Delegate M. Jackson**

Introduced and read first time: January 29, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Prosecution for Election Law Violations – Limitation**

3 FOR the purpose of extending the period of time during which a prosecution is required to
4 be instituted for certain violations of State election law; making stylistic changes;
5 and generally relating to time limitations for the prosecution of violations of election
6 law.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–106(h)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 13–604
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2019 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 5–106.

21 (h) A prosecution[: (1) for the commission of or for the attempt to commit a
22 misdemeanor constituting a criminal offense under the State election laws; or (2) to impose
23 a civil fine for an offense arising under § 13–604 of the Election Law Article shall be
24 instituted within 3 years after the offense was committed] **SHALL BE INSTITUTED WITHIN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5 YEARS AFTER THE OFFENSE WAS COMMITTED FOR:**

2 **(1) THE COMMISSION OR ATTEMPTED COMMISSION OF A**
3 **MISDEMEANOR VIOLATION OF THE STATE ELECTION LAWS; OR**

4 **(2) THE IMPOSITION OF A CIVIL FINE UNDER § 13-604 OF THE**
5 **ELECTION LAW ARTICLE.**

6 **Article – Election Law**

7 13-604.

8 (a) (1) A person who violates a provision of this title without knowing that the
9 act is illegal shall pay a civil penalty in accordance with subsections (b) through (g) of this
10 section.

11 (2) The penalty imposed under this section may not exceed \$5,000.

12 (3) An infraction described in paragraph (1) of this subsection is a civil
13 offense.

14 (4) This section does not apply to a violation of another section in which a
15 penalty is expressly provided.

16 (b) (1) If the State Prosecutor or the State's Attorney with jurisdiction
17 determines that a person unintentionally, and without criminal intent, has violated a
18 provision of this title, the State Prosecutor, the State's Attorney, or both, shall issue to the
19 person a civil citation that contains:

20 (i) the name and address of the person cited;

21 (ii) the nature, time, and place of the violation;

22 (iii) the manner in which the violation occurred;

23 (iv) the maximum penalty for the violation;

24 (v) the manner and time in which to pay the penalty;

25 (vi) where to pay the penalty; and

26 (vii) a statement that the person receiving the citation has a right to
27 a trial in the District Court.

28 (2) The prosecuting authority who issues a citation under paragraph (1) of
29 this subsection shall file it in the District Court.

1 (c) The citation shall be served in accordance with the Maryland Rules.

2 (d) (1) On receipt of the return of service, the District Court shall schedule the
3 case for trial and notify the person named in the citation of the trial date.

4 (2) The trial in the District Court shall be conducted in the same manner
5 as set forth for municipal infractions under §§ 6–108, 6–109, and 6–111 through 6–115 of
6 the Local Government Article.

7 (3) The District Court shall distribute all late fees collected to the Fair
8 Campaign Financing Fund established under § 15–103 of this article.

9 (4) An adjudication of a violation under this subsection:

10 (i) is not a criminal conviction; and

11 (ii) does not carry with it any of the civil disabilities that arise from
12 a criminal conviction.

13 (e) A person who is adjudicated in violation as set forth in a citation issued under
14 subsection (b) of this section is liable for the cost of the District Court proceedings.

15 (f) If a person who has been served with a citation fails to appear for trial, the
16 court, at the request of the prosecutor, may dismiss the citation or enter a civil judgment
17 against the person:

18 (1) in favor of the State Board;

19 (2) in accordance with the Maryland Rules; and

20 (3) in an amount not exceeding the maximum fine set forth in subsection
21 (a) of this section and any late fees owed to the State Board.

22 (g) A civil penalty imposed under this section shall be distributed to the Fair
23 Campaign Financing Fund established under § 15–103 of this article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.