

HOUSE BILL 627

E2, G1

0lr2826

By: **Delegate M. Jackson**

Introduced and read first time: January 29, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (h) A prosecution[: (1) for the commission of or for the attempt to commit a
 2 misdemeanor constituting a criminal offense under the State election laws; or (2) to impose
 3 a civil fine for an offense arising under § 13-604 of the Election Law Article shall be
 4 instituted within 3 years after the offense was committed] **SHALL BE INSTITUTED WITHIN**
 5 **~~5~~ 4 YEARS AFTER THE OFFENSE WAS COMMITTED FOR:**

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

8 **(2) THE IMPOSITION OF A CIVIL FINE UNDER § 13-604 OR § 13-604.1**
 9 **OF THE ELECTION LAW ARTICLE.**

10 **Article – Election Law**

11 13-604.

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

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

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

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

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

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

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

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

27 (iv) the maximum penalty for the violation;

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

29 (vi) where to pay the penalty; and

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

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

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

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

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

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

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

14 (i) is not a criminal conviction; and

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

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

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

22 (1) in favor of the State Board;

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

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

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

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