

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 627
Ways and Means

(Delegate M. Jackson)

Education, Health, and Environmental Affairs
and Judicial Proceedings

Courts - Prosecution for Election Law Violations - Limitation

This bill changes – from three years after an offense was committed to four years after an offense was committed – the time within which a prosecution must be instituted for (1) the commission or attempted commission of a misdemeanor violation of the State election laws or (2) the imposition of a civil fine for an unknowing violation of campaign finance laws and certain other State election laws or a civil fine imposed by the State Board of Elections (SBE) for specified campaign finance violations.

Fiscal Summary

State Effect: Special fund revenues may increase annually, beginning in FY 2021, as discussed below. Expenditures are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: A prosecution must be instituted within three years after an offense was committed (1) for the commission of or for the attempt to commit a misdemeanor constituting a criminal offense under the State election laws or (2) to impose a civil fine for an unknowing violation of campaign finance laws and certain other State election laws.

Varying criminal and civil penalties apply to violations of campaign finance and other provision of the State election laws. The State Prosecutor generally handles prosecutions of violations, including those referred by SBE, and SBE is authorized to impose civil penalties for certain campaign finance violations pursuant to authority established under Chapter 419 of 2013.

Under campaign finance provisions of the State election laws, an individual may not become a candidate for any public or party office in the State or become a treasurer for a campaign finance entity if, as to any campaign finance report due from, or on behalf of, that individual during the preceding five calendar years (1) there exists a failure to file or (2) the individual has failed to pay a late filing fee that is due.

State Revenues: Special fund revenues may increase annually, beginning in fiscal 2021 to the extent monetary penalties or fines are able to be collected under the bill when they otherwise would not have been collected under current law because the three-year period had passed. Monetary penalties under State election laws are deposited in the Fair Campaign Financing Fund.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); Office of the State Prosecutor; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2020
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