

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Board of Elections
(DLS Control No. 14-004)**

Overview and Legal and Fiscal Impact

These regulations establish civil penalties for violations of State election laws. The regulations also establish instructions, requirements, processing procedures, and grounds for liability for the payment of a civil penalty.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Board of Elections:

Violations: Civil Penalties: COMAR 33.19.01.01 through .05

Legal Analysis

Background

Under § 13-604.1 of the Election Law Article, the State Board of Elections (SBE) is authorized to impose a civil penalty for various violations of the State election laws, including (1) disbursement made by unauthorized individuals; (2) failure to maintain a campaign bank account; (3) disbursement by unauthorized methods; (4) failure to maintain account books and records; (5) failure to report contribution(s) on a campaign finance report; (6) failure to report expenditure(s) on a campaign finance report; (7) failure to include authority line or authority line is insufficient; and (8) failure to retain a copy of campaign material.

Section 13-604.1 also provides that (1) a civil penalty imposed for any of the specified violations is in addition to any other sanction provided by law; (2) the civil penalty may not exceed \$500; and (3) a civil penalty must be paid by the campaign finance entity responsible for the violation, except that, if the campaign finance entity has insufficient funds to pay the full amount of the civil penalty in a timely manner, the balance of the civil penalty is the joint and several responsibility of the responsible officers of the campaign finance entity.

Summary of Regulation

The regulations establish civil penalties for violations of miscellaneous infractions of State election laws, including (1) disbursement made by unauthorized individual (penalties range from \$250 for a first offense to \$500 for a third offense); (2) failure to maintain a campaign bank account (penalties range from \$50 for a first offense to \$500 for a third offense); (3) disbursement by unauthorized methods (penalties range from \$100 for a first offense to \$500 for a third offense); (4) failure to maintain account books and records (penalties range from \$100 for a first offense to \$500 for a third offense); (5) failure to report contribution(s) on a campaign finance report (penalties range from \$50 for a first offense to \$500 for a third offense); (6) failure to report expenditure(s) on a campaign finance report (penalties range from \$50 for a first offense to \$500 for a third offense); (7) failure to include authority line or authority line is insufficient (penalties range from \$50 for a first offense to \$500 for a third offense); (8) and failure to retain a copy of campaign material (penalties range from \$250 for a first offense to \$500 for a third offense).

The regulations also specify that the civil penalty included under a civil citation issued by SBE for an infraction under the regulation may not exceed \$500 per violation and must be remitted to the State Treasurer. In addition, the regulations specify that the civil penalty imposed for a violation must be paid by the campaign finance entity that received the citation; however, if the campaign finance entity has insufficient funds to pay the full amount of the civil penalty, the remaining balance is the joint and several responsibility of the responsible officers of the campaign finance entity.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

SBE cites § 13-604.1 of the Election Law Article as authority for the regulations. Section 13-604.1 grants SBE explicit authority to impose a civil penalty for the specified violations of the State election laws in accordance with the standards and requirements provided under that section. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

SBE advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations partially implement Chapter 419 of

2013. The fiscal and policy note for HB 1499 of 2013 (enacted as Chapter 419) included general fund personnel expenditures and general fund civil penalty revenues related to additional enforcement and civil penalty authority provided to SBE and the State Prosecutor under the bill. These regulations should not have any fiscal impact independent of the impact identified in the HB 1499 fiscal and policy note.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

SBE advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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