

HB0001/104806/1

CASW

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Campaign Finance and Ethics Law - Fund-Raising, Disclosure, and Enforcement"; strike beginning with "requiring" in line 3 down through "medium" in line 17, and substitute "establishing a civil citation procedure for the adjudication of certain violations of the State election law; providing for a civil penalty for certain violations of the Fair Election Practices Act of the Election Code and specifying a maximum fine for such civil violations; increasing the criminal fine for certain election law violations; authorizing the State Prosecutor to prosecute certain election law violations; providing for original jurisdiction of the District Court of the State for persons contesting a citation for a civil infraction of certain fair election practice laws; providing for the disposition of certain money collected by the court; altering the statute of limitations period for a prosecution for violations of certain fair election practices laws and certain ethics laws; repealing a certain statute of limitation provision; making certain stylistic changes; prohibiting the Governor, Lieutenant Governor, Attorney General, Comptroller, members of the General Assembly, or persons acting on behalf of any of these individuals, from receiving contributions, conducting a fund-raising event, or soliciting or selling tickets to an event, during certain periods of time; providing certain exceptions; establishing a certain penalty for certain violations of this prohibition; requiring that certain campaign finance reports required to be filed by statewide candidates or their committees be submitted and maintained by the State Administrative Board of Election Laws in an electronic storage format beginning with a certain campaign finance report due by a certain date; authorizing certain other campaign finance reports to be submitted and maintained by the State Board in an electronic storage format beginning with a certain campaign finance report due by a certain date; requiring all campaign finance reports filed with the State Board to comply with certain electronic filing requirements by a certain date; requiring the State Board, after a certain date, to provide certain materials to persons required to file certain campaign fund reports; requiring the State Board to make the campaign finance report information that it maintains in an electronic storage format available to the public; defining certain terms; requiring the State

Board to adopt certain regulations; providing that an official need not include as a gift on the financial disclosure statement attendance at certain events that are otherwise reported by regulated lobbyists; altering certain lobbyist reporting requirements as to certain functions to include events to which all members of a county or regional delegation of the General Assembly are invited; providing that a presiding officer of the Senate or House of Delegates shall be deemed an ex officio member of a standing committee of the presiding officer's chamber; expanding the prohibition against lobbyists from soliciting or transmitting certain contributions to include the campaigns of the Governor, Lieutenant Governor, Attorney General, and Comptroller and candidates for election to these offices; prohibiting certain lobbyists from serving on certain fund-raising or political committees; requiring the State Administrative Board of Election Laws to submit a certain report to the Legislative Policy Committee, by a certain date, that includes a certain plan and schedule for the full implementation of mandatory electronic filing for certain purposes; and generally relating to fund-raising, disclosure, and enforcement requirements under the campaign finance and ethics law”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-401(10) and 5-106

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, without amendments,

Article 33 - Election Code

Section 1-1(a)(5)

Annotated Code of Maryland

(1997 Replacement Volume) “;

and in line 20, after “1-1(a)(6B)” insert “, 26-10, and 26-20A”.

On page 2, strike line 5 in its entirety and substitute “Section 26-3(a)(4), 26-11(l), 26-12, 26-13(c), 26-16(c), and 26-20”; and after line 7, insert:

“BY repealing and reenacting, with amendments,  
Article - State Government  
Section 15-607(e), 15-704, and 15-707  
Annotated Code of Maryland  
(1995 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, without amendments,  
Article - State Government  
Section 15-607(a)  
Annotated Code of Maryland  
(1995 Replacement Volume and 1996 Supplement)”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“Article - Courts and Judicial Proceedings

4-401.

Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(10) A proceeding for adjudication of:

(i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the Code;

(ii) A Commission infraction as defined in Article 28, § 5-113 of the Code;

(iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the Code, concerning rules and regulations governing publicly owned watershed property;

(iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the Code, concerning WSSC regulations governing:

1. Erosion and sediment control for utility construction; and

2. Plumbing, gasfitting, and sewer cleaning;

(v) A zoning violation for which a civil penalty has been provided pursuant to Article 66B, § 7.01 or Article 28, § 8-120(c) of the Code;

(vi) A violation of an ordinance enacted:

1. By a charter county for which a civil penalty is provided under Article 25A, § 5(A) of the Code; or

2. By the Mayor and City Council of Baltimore for which a civil penalty is provided by ordinance;

(vii) A citation for a Code violation issued under Article 27, § 403 of the Code;

(VIII) A CIVIL INFRACTION RELATING TO A VIOLATION OF THE FAIR ELECTION PRACTICES ACT OF THE ELECTION LAWS AS PROVIDED UNDER ARTICLE 33, § 26-20A OF THE CODE;

[(viii)] (IX) A violation of an ordinance or regulation enacted by a county without home rule, under authority granted under Article 25 of the Code, or any provision of the Code of Public Local Laws for that county, for which a civil penalty is provided; or

[(ix)] (X) A civil infraction that is authorized by law to be prosecuted by a sanitary commission;

5-106.

(a) Except as provided by this section, a prosecution for a misdemeanor shall be instituted within [one] 1 year after the offense was committed.

(b) Notwithstanding Article 27, § 690(e) OR ANY OTHER PROVISION of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary, the State may institute a prosecution for the offense at any time.

(c) A prosecution under the vehicle code shall be instituted within [two] 2 years after the offense was committed if the charge is:

(1) Unlawfully using a driver's license; or

(2) Fraudulently using a false or fictitious name when applying for a driver's license.

(d) A prosecution for Sabbath breaking or drunkenness shall be instituted within 30 days after the offense was committed.

(e) In Allegany County, a prosecution for selling alcoholic beverages to a person under the legal age for drinking such alcoholic beverages or for selling alcoholic beverages after hours shall be instituted within 30 days after the offense was committed.

(f) A prosecution for the commission of or the attempt to commit a misdemeanor constituting: (1) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, a criminal offense under the State election laws; or (2) a criminal offense under the State conflict of interest laws; or (3) criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer of the State, or of an agency of the State, or of a political subdivision of the State, or of a bicounty or multicounty agency in the State shall be instituted within [two] 2 years after the offense was committed.

(g) A prosecution for conspiracy to commit any of the offenses enumerated in subsection (f) of this section shall be instituted within [two] 2 years after the offense was committed.

(H) A PROSECUTION TO IMPOSE A CIVIL FINE FOR AN OFFENSE ARISING UNDER ARTICLE 33, § 26-20A OF THE CODE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE WAS COMMITTED.

(I) A PETITION BY THE STATE ETHICS COMMISSION TO SEEK A CIVIL FINE UNDER § 15-902(B) OF THE STATE GOVERNMENT ARTICLE MAY NOT BE INITIATED UNLESS THE COMPLAINT IS FILED BY THE COMMISSION WITHIN 3 YEARS FROM THE TIME THE CONDUCT ENDED.

[(h)] (J) A prosecution for a welfare offense under Article 27, § 230A of the Code shall be instituted within [three] 3 years after the offense was committed.

[(i)] (K) A prosecution for the offense of Medicaid fraud under Article 27, § 230B of this Code shall be instituted within 3 years after the offense was committed.

[(j)] (L) A prosecution for an offense arising under the Tax - General Article with respect to the financial institution franchise, income, or motor fuel tax shall be instituted within 3 years after the date on which the offense was committed.

[(k)] (M) A prosecution for the offense of failure to secure workers' compensation insurance in accordance with Title 9, Subtitle 4 of the Labor and Employment Article shall be instituted within 1 year after the State Workers' Compensation Commission finds, by order, that the employer was uninsured or, pursuant to the authority contained in § 9-1003 of the Labor and Employment Article, within 1 year after the Uninsured Employers' Fund makes payment under § 9-1003 of the Labor and Employment Article, as directed by the Commission.

[(l)] (N) A prosecution for an offense of the controlled hazardous substance law under § 7-265(b) of the Environment Article, shall be instituted within 2 years after commission of the offense.

[(m)] (O) Except as provided in subsection (g) of this section, the statute of limitations for the prosecution of the crime of conspiracy is the statute of limitations for the prosecution of the substantive crime that is the subject of the conspiracy.

[(n)] (P) A prosecution for an offense under Article 27, § 388 or § 388A of the Code shall be instituted within 3 years after the offense was committed.

[(o)] (Q) A prosecution for an offense of discrimination on the basis of sex in paying wages

under §§ 3-301 through 3-308 of the Labor and Employment Article shall be instituted within 3 years after the performance of the act on which the prosecution is based.

[(p)] (R) A prosecution for an offense of unlawfully charging or receiving compensation in connection with an adoption under § 5-327 of the Family Law Article shall be instituted within 3 years after the offense was committed.

[(q)] (S) A prosecution for an offense under § 14-601 of the Health Occupations Article of practicing, attempting to practice, or offering to practice medicine without a license shall be instituted within 3 years after the offense was committed.

[(r)] (T) A prosecution for an offense under the Maryland Charitable Solicitations Act (Title 6 of the Business Regulation Article) shall be instituted within 3 years after the offense was committed.

[(s)] (U) A prosecution for an offense under ARTICLE 27, § 449(d) or (e) of [this subtitle] THE CODE, relating to straw sales of regulated firearms to prohibited persons or minors and to illegal sales, rentals, transfers, possession, or receipt of regulated firearms, shall be instituted within 3 years after the offense was committed.”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 14 through 16, inclusive, and substitute:

“(5) (i) “Contribution” means the gift, transfer or promise of gift or transfer of money or other thing of value to any candidate, or the candidate's representative, or a representative of any political party or partisan organization to promote or assist in the promotion of the success or defeat of any candidate, political party, principle or proposition submitted to a vote at any election.

(ii) “Contribution” includes proceeds from the sale of tickets to a campaign fund-raising event.

(6B) “ELECTRONIC STORAGE FORMAT” MEANS A COMPUTER DISK OR OTHER INFORMATION STORAGE AND RETRIEVAL MEDIUM APPROVED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS.

26-3.

(a) (4) (i) 1. In this paragraph “lobbyist” means a regulated lobbyist who is described in § 15-701(a)(1), (2), or (3) of the State Government Article.

2. A lobbyist, or a person acting on behalf of a lobbyist, may not organize or establish a political committee for the purpose of soliciting or transmitting contributions or transfers from any person to [a member] THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY or candidate for election to the OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE General Assembly.

(ii) This paragraph may not be construed to prohibit a lobbyist from:

1. Being a candidate; or

2. Making a personal contribution within the limitations established under Article 33 of the Code.

26-10.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DURING A REGULAR SESSION OF THE GENERAL ASSEMBLY, THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE ATTORNEY GENERAL, THE COMPTROLLER, A MEMBER OF THE GENERAL ASSEMBLY OR A PERSON ACTING ON BEHALF OF ANY OF THESE OFFICEHOLDERS, MAY NOT:

(1) RECEIVE A CONTRIBUTION FOR ANY CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN COORDINATION WITH A CANDIDATE;

(2) CONDUCT ANY FUND-RAISING EVENT IN ORDER TO RECEIVE A



CONTRIBUTION FOR ANY CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN COORDINATION WITH A CANDIDATE;

(3) SOLICIT OR SELL A TICKET TO ANY FUND-RAISING EVENT FOR ANY CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN COORDINATION WITH A CANDIDATE; OR

(4) DEPOSIT ANY CONTRIBUTION RECEIVED BEFORE THE CONVENING OF THE REGULAR SESSION FOR ANY CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE, OR ANY POLITICAL COMMITTEE ORGANIZED UNDER § 26-4 OF THIS ARTICLE AND OPERATED IN COORDINATION WITH A CANDIDATE.

(B) (1) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS SERVING AS GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR A MEMBER OF THE GENERAL ASSEMBLY AND WHO HAS PROPERLY FILED AS A CANDIDATE FOR AN ELECTIVE FEDERAL OR LOCAL GOVERNMENT OFFICE.

(II) AN INDIVIDUAL SUBJECT TO THIS PARAGRAPH, OR A PERSON ACTING ON BEHALF OF THAT INDIVIDUAL, MAY:

1. ACCEPT AND DEPOSIT A CONTRIBUTION SOLELY FOR PURPOSES RELATING TO THE ELECTION OF THE INDIVIDUAL TO A FEDERAL OR LOCAL GOVERNMENT OFFICE;

2. CONDUCT A FUND-RAISING EVENT IN ORDER TO RECEIVE A CONTRIBUTION SOLELY FOR A PURPOSE THAT RELATES TO THE ELECTION OF THE INDIVIDUAL TO A FEDERAL OR LOCAL GOVERNMENT OFFICE;  
AND

3. SOLICIT OR SELL A TICKET TO A FUND-RAISING EVENT SOLELY FOR A PURPOSE THAT RELATES TO THE ELECTION OF THE INDIVIDUAL TO A FEDERAL OR LOCAL GOVERNMENT OFFICE.

(2) (I) THIS PARAGRAPH APPLIES TO AN ELIGIBLE CANDIDATE WHO HAS APPLIED FOR AND ACCEPTS A PUBLIC CONTRIBUTION FROM THE FAIR CAMPAIGN FINANCING FUND UNDER THE FAIR CAMPAIGN FINANCING ACT.

(II) DURING THE YEAR OF THE ELECTION ONLY, AN ELIGIBLE CANDIDATE SUBJECT TO THIS PARAGRAPH MAY ACCEPT AN ELIGIBLE PRIVATE CONTRIBUTION AND ANY DISBURSEMENT OF FUNDS BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS THAT ARE BASED ON THE ELIGIBLE PRIVATE CONTRIBUTIONS.

(C) (1) IF A PERSON VIOLATES ANY OF THE PROVISIONS OF THIS SECTION, THE PERSON'S COMMITTEE IS LIABLE FOR A CIVIL PENALTY AS PROVIDED IN THIS SUBSECTION.

(2) FOR ANY VIOLATION OF THIS SECTION, THE STATE BOARD, REPRESENTED BY THE STATE PROSECUTOR, MAY INSTITUTE A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY SEEKING THE CIVIL PENALTY PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

(3) FOR ANY CONTRIBUTION RECEIVED IN VIOLATION OF THIS SECTION, THE COMMITTEE THAT RECEIVED THE CONTRIBUTION SHALL:

(I) REFUND THE CONTRIBUTION TO THE CONTRIBUTOR; AND

(II) PAY A CIVIL PENALTY OF \$1,000 AND THE AMOUNT OF THE CONTRIBUTION.”.

AMENDMENT NO. 5

On page 2, in line 27, strike “SHALL” and substitute “BEFORE THE FULL”

IMPLEMENTATION OF ELECTRONIC FILING UNDER § 26-12(D) OF THIS ARTICLE, MAY"; in the same line, strike "AN ELECTRONIC MEDIUM" and substitute "THE ELECTRONIC STORAGE FORMAT AUTHORIZED BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS UNDER § 26-12(C) OF THIS ARTICLE".

On pages 3 through 5, strike in their entirety the lines beginning with line 3 on page 3 down through line 8 on page 5, and substitute:

"(C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEGINNING WITH THE CAMPAIGN FINANCE REPORT THAT IS DUE IN NOVEMBER 1997, ALL CAMPAIGN FINANCE REPORTS REQUIRED UNDER § 26-11 OF THIS ARTICLE WHICH MUST BE FILED WITH THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS MAY BE SUBMITTED TO AND MAINTAINED BY THE STATE BOARD IN AN ELECTRONIC STORAGE FORMAT.

(II) BEGINNING WITH THE CAMPAIGN FINANCE REPORT THAT IS DUE IN NOVEMBER 1997, ALL CAMPAIGN FINANCE REPORTS THAT ARE REQUIRED UNDER § 26-11 OF THIS ARTICLE WHICH MUST BE FILED WITH THE STATE BOARD BY A STATEWIDE CANDIDATE AND ANY POLITICAL COMMITTEE AFFILIATED WITH THE CANDIDATE SHALL BE SUBMITTED TO AND MAINTAINED BY THE STATE BOARD IN AN ELECTRONIC STORAGE FORMAT.

(2) (I) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL ACCEPT ANY CAMPAIGN FINANCE REPORT THAT IS SUBMITTED IN AN ELECTRONIC STORAGE FORMAT WHICH MEETS THE CRITERIA DEVELOPED BY THE STATE BOARD UNDER SUBSECTION (F) OF THIS SECTION.

(II) BEGINNING IN NOVEMBER 1997, THE STATE BOARD SHALL MAKE THE CAMPAIGN FINANCE INFORMATION THAT IS SUBMITTED IN AN ELECTRONIC STORAGE FORMAT AVAILABLE TO THE PUBLIC BY MAKING THE COMPUTER DISK SUBMITTED BY THE CANDIDATE OR COMMITTEE AVAILABLE FOR DUPLICATION.

(D) (1) BEGINNING WITH THE CAMPAIGN FINANCE REPORT DUE IN NOVEMBER 1999, ALL CAMPAIGN FINANCE REPORTS REQUIRED UNDER § 26-11 OF THIS ARTICLE WHICH MUST BE FILED WITH THE STATE BOARD SHALL BE SUBMITTED AND MAINTAINED BY THE STATE BOARD IN AN ELECTRONIC STORAGE FORMAT.

(2) BEGINNING IN NOVEMBER 1999, UPON REQUEST, THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL SUPPLY TO A PERSON WHO IS REQUIRED TO FILE REPORTS IN AN ELECTRONIC STORAGE FORMAT THE COMPUTER SOFTWARE AND THE DISKS OR OTHER MEDIA ON WHICH THE CAMPAIGN FINANCE INFORMATION IS TO BE ENTERED.

(3) BEGINNING IN NOVEMBER 1999, THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL MAKE THE CAMPAIGN FINANCE INFORMATION THAT IS FILED WITH AND MAINTAINED BY THE STATE BOARD IN AN ELECTRONIC STORAGE FORMAT WIDELY AND EASILY ACCESSIBLE TO THE PUBLIC, UTILIZING ANY EXISTING PUBLIC OR PRIVATE SYSTEMS FOR DATA DISSEMINATION, AND ON TERMS THAT THE STATE BOARD CONSIDERS CONSISTENT WITH THE PURPOSES AND REQUIREMENTS OF THIS ARTICLE.

(E) THE STATE BOARD MAY REFUSE TO ACCEPT OR PROCESS ANY CAMPAIGN FINANCE REPORT THAT IS INCOMPLETE OR NOT SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(F) THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL:

(1) DEVELOP SPECIFICATIONS FOR THE SUBMISSION OF CAMPAIGN FINANCE REPORTS IN AN ELECTRONIC STORAGE FORMAT; AND

(2) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

26-13.

(c) Each board shall promptly notify the State Administrative Board of Election Laws of any

report or statement required by § 26-11 to be filed which is more than 30 days overdue. Whenever it learns that a required report or statement is more than 30 days overdue, the State Administrative Board of Election Laws shall issue a notice to the candidate and treasurer, if the report is the statement of a candidate, or to the chairman and treasurer if the report is that of a committee, to show cause why the appropriate State's Attorney should not be requested to prosecute them as provided in § 26-20 for violation of the provisions of this subtitle, unless the failure to file is remedied and late filing fees paid within 30 days of service of the notice. Any candidate, chairman, or treasurer who fails to file the report or statement and pay the late filing fee due within 30 days after service of the show cause notice is guilty of a misdemeanor and subject to the penalties prescribed in § 26-20 of this article. [Any such prosecution must be commenced within three years of the date on which the report or statement was originally due.]

26-16.

(c) (1) It shall be the duty of the State's Attorney of Baltimore City and of the State's Attorney of each county of this State to prosecute, by the regular course of criminal procedure, any person whom [he may believe] THE STATE'S ATTORNEY BELIEVES to be guilty of having willfully violated any of the provisions of this section within the city or county for which said State's Attorney may be acting as such.

(2) THE STATE PROSECUTOR MAY PROSECUTE, BY THE REGULAR COURSE OF CRIMINAL PROCEDURE, IN ANY JURISDICTION OF THE STATE, ANY PERSON WHOM THE STATE PROSECUTOR BELIEVES TO BE GUILTY OF HAVING WILLFULLY VIOLATED ANY OF THE PROVISIONS OF THIS SECTION.

26-20.

(A) [Any] EXCEPT AS PROVIDED IN § 26-15 OF THIS SUBTITLE, ANY person who KNOWINGLY AND WILLFULLY violates any of the provisions of this subtitle is guilty of a misdemeanor, and upon conviction shall be fined not more than [one thousand dollars (\$1,000.00)] \$25,000, or be imprisoned for not more than [one] 1 year, or both, in the discretion of the court.

(B) If a different penalty is specifically prescribed for violation of any section in this subtitle

and expressly set forth therein, the specific penalty applies and the penalty set forth in this section does not apply.

26-20A.

(A) (1) ANY PERSON WHO, WITHOUT KNOWLEDGE OF THE ILLEGALITY OF THE ACT, VIOLATES ANY PROVISION OF THIS SUBTITLE SHALL PAY A CIVIL FINE IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.

(2) THE AMOUNT OF THE FINE IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$5,000.

(3) AN INFRACTION UNDER THIS SECTION IS A CIVIL OFFENSE.

(4) IF A DIFFERENT PENALTY IS SPECIFICALLY PRESCRIBED FOR VIOLATION OF ANY SECTION IN THIS SUBTITLE AND EXPRESSLY SET FORTH THEREIN, THE SPECIFIC PENALTY APPLIES AND THE PENALTY SET FORTH IN THIS SECTION DOES NOT APPLY.

(B) (1) WHEN THE STATE PROSECUTOR OR THE STATE'S ATTORNEY FOR A COUNTY, OR BOTH, DETERMINE THAT A PERSON HAS UNINTENTIONALLY, AND WITHOUT CRIMINAL INTENT, VIOLATED A PROVISION OF THIS SUBTITLE, THE STATE PROSECUTOR OR THE STATE'S ATTORNEY, OR BOTH, SHALL CAUSE TO BE ISSUED A CIVIL CITATION TO EACH PERSON WHO COMMITTED THE OFFENSE. THE CITATION SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE NATURE OF THE VIOLATION AND THE TIME, PLACE, AND MANNER IN WHICH IT OCCURRED;

(III) THE MAXIMUM FINE FOR THE VIOLATION THAT OCCURRED;

(IV) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY

BE PAID; AND

(V) A STATEMENT THAT THE PERSON RECEIVING THE CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT OF MARYLAND.

(2) THE ORIGINAL OF A CITATION SHALL BE FILED IN THE DISTRICT COURT HAVING PROPER VENUE.

(C) THE CITATION SHALL BE SERVED UPON THE PERSON NAMED IN THE CITATION BY MAIL OR BY PERSONAL SERVICE BY A SHERIFF OR A COMPETENT PRIVATE PERSON 18 YEARS OLD OR OLDER.

(D) THE SHERIFF OR PERSON WHO SERVES THE CITATION SHALL MAKE A PROMPT RETURN OF SERVICE TO THE COURT THAT SHOWS THE DATE, TIME, AND PLACE OF SERVICE.

(E) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE PERSON NAMED IN THE CITATION OF THE TRIAL DATE.

(2) THE TRIAL IN THE DISTRICT COURT SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER ARTICLE 23A, § 3(B)(8) THROUGH (15) OF THE CODE.

(3) ALL LATE FEES COLLECTED BY THE DISTRICT COURT SHALL BE REMITTED TO THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS.

(4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:

(I) IS NOT A CRIMINAL CONVICTION; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(F) IF A PERSON IS FOUND TO HAVE COMMITTED THE VIOLATION SET FORTH IN THE CITATION, THE PERSON SHALL BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

(G) (1) IF A PERSON WHO HAS BEEN SERVED WITH A CITATION FAILS TO APPEAR FOR TRIAL, THE COURT, AT THE REQUEST OF THE PROSECUTOR, MAY EITHER DISMISS THE CITATION OR GRANT A CIVIL JUDGMENT AGAINST THE PERSON NAMED IN THE CITATION IN FAVOR OF THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(2) THE AMOUNT OF A JUDGMENT UNDER THIS SUBSECTION MAY NOT EXCEED THE TOTAL OF THE MAXIMUM FINE SET FORTH IN SUBSECTION (A) OF THIS SECTION AND ANY LATE FEES OWED TO THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS.

Article - State Government

15-607.

(a) A statement that is required by § 15-601(a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period under this subtitle.

(e) (1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.

(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:

(i) by the individual or by another entity at the direction of the individual; and

(ii) directly or indirectly, from or on behalf of an entity that is:



1. a regulated lobbyist;

2. regulated by the State; or

3. otherwise an entity doing business with the State.

(3) The schedule shall include:

(i) each gift with a value of more than \$25, EXCEPT THAT THE STATEMENT NEED NOT INCLUDE AS A GIFT ATTENDANCE AT A SPECIAL EVENT THAT IS REPORTED BY A REGULATED LOBBYIST UNDER § 15-704(B)(2)(VI) OF THIS TITLE; and

(ii) each of two or more gifts with a cumulative value of \$100 or more received from one entity during the applicable period.

(4) For each gift subject to this subsection, the schedule shall include:

(i) the nature and value of the gift; and

(ii) the identity of the entity from which, directly or indirectly, the gift was received.

(5) This subsection does not authorize any gift not otherwise allowed by law.

15-704.

(a) (1) A regulated lobbyist shall file with the Ethics Commission, under oath and for each registration, a separate report concerning the regulated lobbyist's lobbying activities:

(i) by May 31 of each year, to cover the period from November 1 of the previous year through April 30 of the current year; and

(ii) by November 30 of each year, to cover the period from May 1 through

October 31 of that year.

(2) If the regulated lobbyist is not an individual, an authorized officer or agent of the regulated lobbyist shall sign the report.

(3) If a prorated amount is reported as compensation, it shall be labeled as prorated.

(b) A report required by this section shall include:

(1) a complete, current statement of the information required under § 15-703(b) of this subtitle;

(2) total expenditures in connection with influencing executive action or legislative action in each of the following categories:

(i) total compensation paid to the regulated lobbyist, excluding:

1. expenses reported under this paragraph; and

2. salaries, compensation, and reimbursed expenses for the regulated lobbyist's staff;

(ii) unless reported under subparagraph (i) of this paragraph:

1. office expenses of the regulated lobbyist; and

2. professional and technical research and assistance;

(iii) publications that expressly encourage communication with one or more officials or employees;

(iv) witnesses, including the name of each and the fees and expenses paid to each;

(v) meals and beverages for officials, employees, or members of the immediate families of officials or employees;

(vi) special events, including parties, meals, athletic events, entertainment, or other functions to which were invited all members of:

1. the General Assembly;

2. either house of the General Assembly; [or]

3. a standing committee of the General Assembly, PROVIDED THAT THE PRESIDING OFFICER OF THE HOUSE OF DELEGATES OR SENATE SHALL BE DEEMED AN EX OFFICIO MEMBER OF ANY STANDING COMMITTEE OF THE PRESIDING OFFICER'S CHAMBER; OR

4. A COUNTY OR REGIONAL DELEGATION OF MEMBERS OF THE GENERAL ASSEMBLY THAT IS RECOGNIZED BY A PRESIDING OFFICER OF THE GENERAL ASSEMBLY;

(vii) 1. food, lodging, and scheduled entertainment of officials and employees for a meeting, if given in return for participation in a panel or speaking engagement at the meeting; and

2. if more than \$200 of the expenses reported in item 1 of this subparagraph are for any one official or employee at any meeting, the individual's name and the amount spent;

(viii) other gifts to or for officials, employees, or members of the immediate families of officials or employees; and

(ix) other expenses;

(3) as to expenditures reported in paragraph (2)(vi) and (vii) of this subsection, the

date, location, and total expense of the regulated lobbyist for the event or meeting; and

(4) subject to subsections (d) and (e) of this section, the name of each official, employee, or member of the immediate family of an official or employee, to or for whom, during a reporting period, one or more gifts with a cumulative value of \$75 or more are given, regardless of whether a gift is attributable to more than one entity and whether or not in connection with lobbying activities, by the regulated lobbyist or any entity acting on behalf of the regulated lobbyist, however, except as provided in paragraph (2)(vii)2 of this subsection, expenses reported in paragraph (2)(vi) and (vii) of this subsection need not be allocated to an individual.

(c) (1) This subsection applies only to a regulated lobbyist, other than an individual, that is organized and operated for the primary purpose of attempting to influence legislative action or executive action.

(2) In addition to the other reports required under this section, a regulated lobbyist subject to this subsection shall report the name and permanent address of each entity that provided at least 5% of the regulated lobbyist's total receipts during the preceding 12 months.

(3) For the purpose of the reporting and registration requirements of this subtitle, receipts of a regulated lobbyist subject to this subsection include funds spent on the regulated lobbyist's behalf, at its direction, or in its name.

(d) (1) In addition to any other report required under this section, a regulated lobbyist shall file, with the report required by subsection (a) of this section, a report disclosing the name of any member of the General Assembly or member of the immediate family of a member of the General Assembly who has benefited during the reporting period from a gift of a ticket or admission to any event for which other persons are charged a fee exceeding \$15, whether or not in connection with lobbying activities, allowed under § 15-505(c)(2)(vii) of this title from the regulated lobbyist.

(2) The disclosure required by this subsection shall be under oath or affirmation, on a form issued by the Ethics Commission, and shall include:

(i) the name and business address of the regulated lobbyist;

(ii) the name of each recipient of a ticket or admission;

(iii) the date and value of each gift of a ticket or admission, and the identity of the entity or entities to which the gift is attributable; and

(iv) the total cumulative value of gifts of tickets or admissions, calculated as to each recipient.

(3) The regulated lobbyist may:

(i) declare on the form required under paragraph (3) of this subsection that a gift of a ticket or admission was given for purposes not related to the regulated lobbyist's lobbying activities; and

(ii) explain the circumstances under which the gift was given.

(4) Gifts of tickets or admissions reported by a regulated lobbyist under this subsection need not be counted or reported by the regulated lobbyist for purposes of disclosure under subsection (b)(4) of this section.

(e) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in addition to any other report required under this section, a regulated lobbyist shall file, with the report required by subsection (a) of this section, a report disclosing the name of any State official of the Executive or Legislative Branch or member of the immediate family of a State official of the Executive or Legislative Branch who has benefited during the reporting period from gifts of meals or beverages, whether or not in connection with lobbying activities, allowed under § 15-505(c)(2)(i) of this title from the regulated lobbyist.

(ii) The name of a member of the General Assembly or member of the immediate family of a member of the General Assembly shall be disclosed under subparagraph (i) of this paragraph only if the gift of a meal or beverage to the individual costs \$15 or more.

(2) Gifts reported by name of recipient under subsection (b)(2)(vii) of this section and

special events listed under subsection (b)(2)(vi) of this section need not be allocated for the purposes of disclosure under paragraph (1) of this subsection.

(3) The disclosure required by this subsection shall be under oath or affirmation, on a form issued by the Ethics Commission, and shall include:

(i) the name and business address of the regulated lobbyist;

(ii) the name of each recipient of a gift of a meal or beverages;

(iii) the date and value of each gift of a meal or beverages, and the identity of the entity or entities to which the gift is attributable; and

(iv) the total cumulative value of gifts of meals or beverages, calculated as to each recipient.

(4) The regulated lobbyist may:

(i) declare on the form required under paragraph (3) of this subsection that a gift of a meal or beverages was given for purposes not related to the regulated lobbyist's lobbying activities; and

(ii) explain the circumstances under which the gift of a meal or beverages was given.

(5) Gifts of meals or beverages reported by a regulated lobbyist under this subsection need not be counted or reported by the regulated lobbyist for purposes of disclosure under subsection (b)(4) of this section.

(f) The Ethics Commission may require a regulated lobbyist to file any additional report the Ethics Commission determines to be necessary.

(a) In this section, “candidate” and “political committee” have the meanings provided in Article 33, § 1-1(a) of the Code.

(b) This section applies only to a regulated lobbyist described in § 15-701(a)(1), (2), or (3) of this subtitle who[, during the period specified in subsection (c) of this section and for the purpose of influencing legislative action, communicates with a member of or candidate for election to the General Assembly] LOBBIES THE EXECUTIVE OR LEGISLATIVE BRANCH.

(c) The restrictions in this section apply from the starting date of the regulated lobbyist’s registration to the end of the calendar year in which the registration period ends.

(d) (1) A regulated lobbyist who is subject to this section or a person acting on behalf of the regulated lobbyist may not, for the benefit of [a member of] THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY or candidate for election to the OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE General Assembly:

(i) solicit or transmit a political contribution from any person, including a political committee;

(ii) serve on a fund-raising committee or a political committee; or

(iii) act as a treasurer or chairman of a political committee.

(2) This section does not prohibit a regulated lobbyist from:

(i) making a personal political contribution; or

(ii) informing any entity of a position taken by a candidate.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Administrative Board of Election Laws is requested to submit a report, in accordance with § 2-1312 of the State Government

Article, to the Legislative Policy Committee of the General Assembly by December 15, 1997 that includes a plan for the full implementation of electronic filing. This report is intended to provide the General Assembly with the necessary information for the consideration of legislation in the 1998 Session to make any changes to the law that are necessary for the administration of mandatory electronic filing in order that full implementation of electronic filing of campaign finance reports that are required to be filed with the State Administrative Board of Election Laws be successfully completed by November 1999.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.”.