

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 195 (Senator Frosh, *et al.*)

Economic & Environmental Affairs Referred to Commerce & Government Matters

Election Law and Ethics Law Violations - Enforcement Procedures and Penalties

This enrolled bill establishes a civil citation procedure for unintentional (and without criminal intent) violations of the Fair Election Practices Act. The State Prosecutor and/or a State’s Attorney can issue a civil citation to each violator. The District Court has original civil jurisdiction over each case. Any fines cannot exceed \$5,000, plus any late fees owed to the State Administrative Board of Election Laws (SABEL). The District Court must remit such fines and late fees to SABEL.

The bill also increases the amount of fines for certain offenses. Any person who knowingly and willfully violates the Fair Election Practices Act is subject to a fine not exceeding \$25,000. However, any person who commits a violation without knowledge of the illegal act is subject to a fine not exceeding \$5,000. Currently, violators of the Fair Election Practices Act are subject to a fine not exceeding \$1,000.

In addition, the bill increases the statute of limitations for violations of the Fair Election Practices Act from two to three years.

Fiscal Summary

State Effect: Potential minimal effect on revenues and expenditures resulting from the change in the statute of limitations and the applicable penalties.

Local Effect: Potential minimal effect on expenditures resulting from the change in the statute of limitations.

Small Business Effect: Potential minimal effect on small businesses as discussed below.

Fiscal Analysis

State Effect: To the extent that the increase in the statute of limitations for violations of the Fair Election Practices Act causes an increase in the number of convictions, general fund expenditures could increase due to increased payments to counties for reimbursement of inmate costs. Persons serving a sentence of one year or less are sentenced to a local detention facility. These costs would depend upon the number of convictions and sentences imposed. However, it is assumed that the number of additional cases would be small, and that the State Prosecutor and the District Court could handle such cases with existing resources.

General fund revenues could also increase due to the extension of the statute of limitations and the increases in the monetary penalties. The increase would depend upon the number of convictions and the amount of monetary penalties. Under the bill, certain civil monetary penalties would go to the State Administrative Board of Election Laws. Any amounts collected are assumed to be minimal.

Local Effect: To the extent that the increase in the statute of limitations causes more convictions, local expenditures could increase due to an increase in the number of incarcerations at local detention facilities. Although the number of additional incarcerations is unknown, it is likely that they would be small. Similarly, the county State's Attorneys could handle the additional workload with existing resources.

Small Business Effect: Currently, there are between 550 and 650 registered lobbyists in Maryland. The bill increases the statute of limitations period for prosecution of violations of fair election practices laws from two to three years. To the extent that this provision leads to more convictions, lobbyists could experience an increase in costs due to the additional fines. In addition, the bill increases the amount of fines for violations of fair election practices laws. As a result, small businesses that are convicted of violating such laws could experience an increase in costs. Although the number of such violations cannot be determined, it is likely to be small.

Information Source(s): State Administrative Board of Election Laws, State Ethics Commission, Office of State Prosecutor, Judiciary (District Court), Department of Fiscal Services

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