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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Campaign Finance Reporting - Enforcement of Late Fees**

3 FOR the purpose of authorizing certain prosecuting authorities to refer certain  
4 matters for action to the Central Collection Unit in the Department of Budget  
5 and Management under certain circumstances; prohibiting an individual from  
6 signing the name of any other individual on certain forms or other documents;  
7 providing for a delayed effective date; and generally relating to campaign  
8 finance reporting and enforcement.

9 BY repealing and reenacting, with amendments,  
10 Article -Election Law  
11 Section 13-335 and 13-602  
12 Annotated Code of Maryland  
13 (2003 Volume and 2005 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Election Law**

17 13-335.

18 (a) (1) If the State Board determines that there has been, for more than 30  
19 days, a failure to file a campaign finance report within the meaning of § 13-327 of  
20 this subtitle, the State Board shall issue the notice prescribed in paragraph (2) of this  
21 subsection to the responsible officers of the campaign finance entity in violation.

1                   (2)     The notice shall demand that, within 30 days after service of the  
2 notice, either:

3                   (i)     the failure to file be rectified and any late filing fee due be paid;  
4 or

5                   (ii)    the responsible officers show cause why the State Board should  
6 not ask the appropriate prosecuting authority to prosecute the responsible officers for  
7 a violation of this subtitle.

8                   (3)     IN ITS DISCRETION, THE APPROPRIATE PROSECUTING AUTHORITY  
9 MAY REFER THE MATTER FOR ACTION TO THE CENTRAL COLLECTION UNIT WITHIN  
10 THE DEPARTMENT OF BUDGET AND MANAGEMENT.

11           (b)     A responsible officer who fails, without cause, to file the campaign finance  
12 report and pay the late fee within 30 days after service of the notice prescribed in  
13 subsection (a)(2) of this section is guilty of a misdemeanor and on conviction is subject  
14 to the penalties prescribed in § 13-603 of this title.

15 13-602.

16           (a)     (1)     A person may not directly or indirectly give, offer, or promise money,  
17 aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing to  
18 another person for the purpose of inducing or procuring that person to vote or refrain  
19 from voting for or against:

20                   (i)     an individual, question, or measure at an election or political  
21 convention; or

22                   (ii)    the election of an officer by the General Assembly.

23                   (2)     A person may not directly or indirectly receive, accept, request, or  
24 solicit money, aid, a gift, an advantage, a preferment, an emolument, or any other  
25 valuable thing from another person for the purpose of inducing or procuring a third  
26 person to vote or refrain from voting for or against an individual, question, or  
27 measure at an election or political convention.

28                   (3)     A person may not vote or refrain from voting for or against an  
29 individual, question, or measure at an election or a political convention, in  
30 consideration of money, aid, a gift, an advantage, a preferment, an emolument, or any  
31 other valuable thing paid, received, accepted, or promised to the advantage of that  
32 person or of another person.

33                   (4)     (i)     A person, to defray the costs of a campaign finance entity, may  
34 not directly or indirectly pay, give, or promise money or any other valuable thing to  
35 any person other than a campaign finance entity.

36                   (ii)    Subparagraph (i) of this paragraph does not apply to:

1                                   1.       dues regularly paid for membership in a political club if all  
2 of the money that is spent by that political club in connection with any campaign  
3 finance activity is paid through a treasurer as provided in this title;

4                                   2.       an individual volunteering the individual's time or  
5 personal vehicle in accordance with § 13-232 of this title;

6                                   3.       an employer's accumulation of employee contributions in  
7 accordance with § 13-242 of this title; or

8                                   4.       advertising costs or other expenses incident to the  
9 expression of personal views in accordance with § 13-102 of this title.

10                   (5)       A person may not directly or indirectly pay or promise to pay a  
11 campaign finance entity in a name other than the person's name.

12                   (6)       A responsible officer of a campaign finance entity may not knowingly  
13 receive a payment or promise of payment and enter it or cause it to be entered in an  
14 account book in a name that the responsible officer knows is not the name of the  
15 person that made the payment or the promise to pay.

16                   (7)       An employer who pays employees in envelopes may not mark on or  
17 enclose in the envelopes a political motto, device, or argument that contains express  
18 or implied threats intended to influence the political opinions or actions of those  
19 employees.

20                   (8)       During the 90 days before an election, an employer may not exhibit in  
21 the employer's workplace:

22                                   (i)       a threat, a notice, or information that, on the election or defeat  
23 of a particular ticket or candidate:

24   1.       work will cease, wholly or partly;

25   2.       the workplace will close; or

26   3.       employees' wages will be reduced; or

27                                   (ii)       any other threat, expressed or implied, intended to influence  
28 the political opinions or actions of the employer's employees.

29                   (9)       A person may not publish or distribute, or cause to be published or  
30 distributed, campaign material that violates § 13-401 of this title.

31                   (10)       A candidate may not make a payment, contribution, or expenditure,  
32 or incur a liability to pay, contribute, or expend, from the candidate's personal funds  
33 any money or valuable thing in a manner not authorized by § 13-230 of this title.

34                   (11)       AN INDIVIDUAL MAY NOT SIGN THE NAME OF ANY OTHER  
35 INDIVIDUAL ON ANY FORM OR OTHER DOCUMENT UNDER THIS TITLE, WITH OR  
36 WITHOUT THE AUTHORITY OF THE INDIVIDUAL WHOSE NAME IS SIGNED.

1 (b) A person who violates this section is guilty of a misdemeanor and on  
2 conviction is:

3 (1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding  
4 1 year or both; and

5 (2) ineligible to hold any public or party office for 4 years after the date  
6 of the offense.

7 (c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State,  
8 a person that the State Prosecutor believes to be guilty of a willful violation of this  
9 section.

10 (2) A State's Attorney may prosecute a person that the State's Attorney  
11 believes to be guilty of a willful violation of this section in the county in which the  
12 State's Attorney serves.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect January 1, 2007.