

HOUSE BILL 1395

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9lr0117

By: **Chair, Ways and Means Committee (By Request - Departmental - Elections, State Board of)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Campaign Finance - Reports and Affidavits - Failure to File**

3 FOR the purpose of subjecting campaign finance entities that fail to file a certain
4 affidavit to certain sanctions; ~~altering the maximum amount of certain fees~~
5 ~~payable for certain campaign finance reports or certain affidavits~~; requiring the
6 State Board of Elections, instead of a local board of elections, to assess a late
7 filing fee for failure to file a campaign finance report or affidavit; requiring the
8 State Board, instead of a local board of elections, to accept overdue campaign
9 finance reports or affidavits; and generally relating to campaign finance reports
10 and affidavits.

11 BY repealing and reenacting, with amendments,
12 Article - Election Law
13 Section 13-327 and 13-331
14 Annotated Code of Maryland
15 (2003 Volume and 2008 Supplement)

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

18 **Article - Election Law**

19 13-327.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A campaign finance entity that fails to file a campaign finance report **OR**
2 **AFFIDAVIT** required by this subtitle is subject to the sanctions provided in Part VII of
3 this subtitle.

4 (b) The failure to provide on a campaign finance report required by § 13-304
5 of this subtitle all of the information required of the campaign finance entity by the
6 State Board under this subtitle is deemed a failure to file and renders the campaign
7 finance report overdue, only if:

8 (1) the State Board notifies the responsible officers in writing of the
9 particular deficiencies; and

10 (2) the responsible officers fail to file a properly corrected campaign
11 finance report within 30 days after service of the notice.

12 13-331.

13 (a) In accordance with subsection (b) of this section, [a board] **THE STATE**
14 **BOARD** shall assess a late filing fee for a failure to file a campaign finance report **OR**
15 **AFFIDAVIT**, as specified in § 13-327 of this subtitle.

16 (b) (1) The fee is \$10 for each day or part of a day, excluding Saturdays,
17 Sundays, and holidays, that a campaign finance report, ~~AFFIDAVIT, OR CORRECTED~~
18 ~~CAMPAIGN FINANCE REPORT REQUIRED BY THIS SUBTITLE OR AFFIDAVIT~~ is
19 overdue.

20 (2) An additional fee of \$10 is due for each of the first 6 days,
21 excluding Saturdays, Sundays, and holidays, that a preelection campaign finance
22 report under § 13-309 of this subtitle is overdue.

23 (3) The maximum fee payable for [any single] A campaign finance
24 report **OR AFFIDAVIT REQUIRED UNDER § 13-309 OF THIS SUBTITLE** is [~~\$250~~]
25 **\$500**.

26 ~~(4) THE MAXIMUM FEE PAYABLE FOR A CORRECTED CAMPAIGN~~
27 ~~FINANCE REPORT AS SPECIFIED IN § 13-327(B) OF THIS SUBTITLE IS \$250.~~

28 (c) (1) [A board] **THE STATE BOARD** shall accept an overdue campaign
29 finance report **OR AFFIDAVIT** that is submitted without payment of the late filing fee,
30 but the campaign finance report is not considered filed until the fee has been paid.

31 (2) After an overdue campaign finance report **OR AFFIDAVIT** is
32 received under paragraph (1) of this subsection no further late filing fee shall be
33 incurred.

1 (d) A late filing fee is the joint and several liability of the responsible officers
2 and:

3 (1) may not be paid, directly or indirectly, by the campaign finance
4 entity; and

5 (2) is neither a contribution to nor an expenditure of the entity.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.